Current practices in solving multiple use issues of Natura 2000 sites: Conflict management strategies and participatory approaches

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Summary

The Natura 2000 network of protected sites designated under the Birds (79/409/EEC)[1] and Habitats Directives (COM/88/0381)[2] of the European Union is a key pillar of its policy for the conservation of biodiversity. The current development phase of the Natura 2000 network focuses the attention of all parties involved to the challenges of management planning and the implementation of management instruments and management measures.

Therefore, the European Commission commissioned a project entitled "Dealing with Conflicts in the Implementation and Management of the Natura 2000 Network - Best Practice at the Local / Site Level". The project reviews the experiences of the Member States in multiple-use, participatory management planning and conflict management relative to Natura 2000 sites. As part of this study, a European-wide review and five country studies (Slovenia, Czech Republic, The Netherlands, France and Sweden) were carried out to assess and analyse sources of conflict and the strategies that have been developed to resolve them. This report presents the findings of this study. Furthermore, the results of the European workshop held in Brussels on the 18th of June 2009 are included in the report.

Reviewing the multiple-use of Natura 2000 sites, two different types of issues are raised that can be sources of conflicts: one relates to the conflicting multiple-use of sites (at present or in the future) due to change in management or use as a result of envisaged plans and projects; the other focuses on the way the process of management planning is organised and how information and communication on the management planning process and management measures are provided. Underlying the discussion on management of the Natura 2000 sites are also more fundamental questions - for instance, regarding property rights, the lack of (mutual) trust between stakeholders, fear of restrictions and lack of knowledge and skills of all stakeholders to deal with and resolve conflicts.

Potential sources of conflicts related to multiple-use of Natura 2000 sites

The following multiple-use issues related to management planning or necessary management measures are mentioned in reports and statements made during the workshop.

Potential sources of conflict with daily land users:

- Actual restrictions to current land use of a Natura 2000 site. Publications refer to various restrictions foreseen in the current land use of the areas in a broad range of different land uses as agriculture, forestry, hunting, tourism, transport, fishery and extraction industries or mining;
- Inadequate financial compensation or financial means to compensate for the restrictions imposed;
- Increased administrative and bureaucratic procedures;
- Reduction and/or interference of the sovereignty of landowner to decide on the management of his own property;
- No (or limited) acknowledgment of existing local knowledge and expertise in the process of management planning;
- Different perceptions and views on nature/biodiversity and ways of protecting it between stakeholders involved in the process;
- Different time horizon for considering management issues between the landowners/managers (30 to 40 years) and administrators/politicians (5 to 10 years).

Potential sources of conflicts with economic sectors (related to plans and projects):

- Restricted options for land use change;
- Conflicting policies due to lack of integration between different (sectoral) plans and processes to develop these plans[3].

Potential sources of conflicts related to the process of management planning for Natura 2000 sites

The Habitats Directive itself does not state any obligation or procedure for (public) participation in the establishment of the Natura 2000 network or the development of management measures for the Natura 2000 sites. As a result, Member States selected various approaches to involve the public and other stakeholders in management planning and the management of the Natura 2000 sites.

1 Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds

2 Council Directive 92/43/EEC of 21 May 1992 on the conservation of Natural habitats and of wild fauna and flora

3 It both relates to lack of communication and integration of plans of different governments as to the fact that stakeholders are confronted with all these plans and have to deal with them

The main three types of stakeholder involvement are:

- Information: stakeholders are informed;
- Consultation: stakeholders can express their viewpoints;
- Shared policy or plan making: management planning is a shared process.

With respect to the management of Natura 2000 sites, lack of information, communication and involvement is a major source of conflict.

The five countries reviewed in this research all provide consultation possibilities to the management planning of the sites: procedures for formal consultation are in place in all of the reviewed countries. Nevertheless, the process can be described as a mostly informative process with limited participation. Joint goal setting and management planning is still more an exception than a rule, except for France where local committees involving key stakeholders are strongly involved in developing and writing the management plan.

The countries indicate that thorough consultation procedures are often hampered by the large number of stakeholders, as well as a lack of (qualified) staff.

Conflicts and conflict management

Often a real conflict emerges from a dispute that escalates in terms of a gradual change from a disagreement to a conflict between people and/or groups - as not every quarrel or disagreement can be seen as a real conflict, existing definitions used to describe types of conflicts in a policy context were reviewed and three types are presented:

- *differences of opinion*: individuals have a different view on an issue; however, this situation has not yet evolved into disagreement or conflict, often due to the fact that there is no need for co-operation;
- *disagreements*: individuals disagree on the solution of a problem, however, mutual trust between them does not influence co-operation and negotiations are possible. Even if they may disagree on factual knowledge, or on the values they attach to this knowledge, they are nevertheless assured of the co-operation of others;
- *conflicts*: individuals disagree on a solution of a problem and the mutual trust between the parties is lost. As a result parties will choose for non-cooperative conflict strategies. These might result in subterfuge, lies, passive resistance, ridicule, feigned misunderstanding or even violent actions.

Solutions to prevent and resolve disagreements and conflicts occurring in the field of Natura 2000 management are looked for in procedures as well as in resources that are used – these include:

- Improved information and communication means (local information meetings, door-to-door distribution of leaflets, local media, (local or regional) information points);
- Improved participation of a broad range of stakeholders (procedures for consultations, setting up of advisory groups);
- Developing and offering various management (planning) options and tools enabling landowners and land users to choose measures that might be compatible with their business;
- Financial incentives and compensatory measures. Also, other alternative sources of income like eco-tourism and branding are developed.

Although the involvement of independent mediators in conflict situations is advised in most literature on conflict management, this research showed that mediators have only been involved in exceptional cases in conflict situations regarding Natura 2000 management. Most agencies responsible for Natura 2000 management (planning) fulfil the role of mediator themselves. Given this role, agencies need to invest in the training and personal development of their staff in order to ensure that the individual's charged with responsibilities for implementing Natura 2000 have the skills necessary to undertake this work.

1 Introduction

The Natura 2000 network of protected sites consists of sites designated under the Birds (79/409/EEC)[4] and Habitats Directives (COM/88/0381)[5] of the European Union and is a key pillar of the its policy for the conservation of biodiversity.

After the selection of sites, the currently development phase of the Natura 2000 network draws the attention of all parties involved - policy makers, site managers, researchers, landowners, local communities, different economic sectors (e.g. tourism, recreation, water, transport, agriculture, forestry, and fisheries) – to the challenges of management planning and the implementation of management instruments and management measures. As part of the overall implementation, special attention is given to stakeholder interest and social support for the management of the Natura 2000 network (related to article 2 of the Habitats Directive). The need to combine the conservation goals of the Natura 2000 sites with the existing land use and its future development generates tensions and presents significant practical challenges. Clarity needs to be created on the management instruments and measures required to ensure the favourable conservation status and their consequences for land use relevant to the diverse actors at the local level. Also, the need to reconcile economic, social, cultural and environmental objectives requires constant and skilful attention. Nature conservation professionals at the policy and management levels are the 'front-line' and they require specific support to enable them to fulfil their Natura 2000 responsibilities.

Therefore the European Commission has commissioned a study entitled Contract "Dealing with Conflicts in the Implementation and Management of the Natura 2000 Network - Best Practice at the Local / Site Level" which reviews the experiences of the Member States in conflict management on Natura 2000 sites. It focuses on ways found to involve stakeholders in the management of Natura 2000 sites and innovative ways developed to balance the economic, social, cultural and environmental objectives of the sites. Also methods and tools that can prevent or solve conflicts between stakeholders involved in the management of Natura 2000 sites is of interest, that can be collected from anecdotal evidence from individuals and organisations operating at the site level such as the managers of protected areas as well as from overall literature available on this topic. The study is executed by a consortium of 3 organizations - Alterra, ECNC and Eurosite, working together in a Project Management Team (PMT) (see text boxes for more information on the respective organizations).

The overall objective of the study commissioned by DG Environment is:

"*to promote best practices for achieving an appropriate balance between potentially conflicting interests and uses of Natura 2000 sites in order to ensure both the engagement of the population and the respect of the ecological value of the site*"

The project consists of 3 different tasks:

Task 1: Review of Current practices
In task 1 the current situation on conflicts occurring on site level is assessed, based on a review of current practices, in terms of who is involved in using Natura 2000 sites, what conflicts can be distinguished, what causes them to exist and how are stakeholders involved. The review aims at what can be learned about conflict management.

Task 2: Description of Best Practice case studies
In Task 2 a selection of 24 best practice case studies will be selected and reported, they will be considered as representative of best practice with regard to the management approaches taken to reconcile the different uses of the sites. A separate report entitled 'A review of 24 Best Practice case studies' provides detailed information on the best cases.

Task 3: Recommendations for future actions to promote best practices
As part of task 3 one European and three regional workshops were organised, with participants from different groups of landowners and land users (economic sectors, NGOs, protected area administrations) to discuss their views and experiences on the management of Natura 2000 areas. The results and recommendations from the workshop are compiled in a separate report entitled 'Stakeholders matter' .
Furthermore recommendations to the European Commission are formulated based on the results of the project, the report is entitled ' The Natura 2000 network- addressing conflicts, promoting benefits

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4 Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds
5 Council Directive 92/43/EEC of 21 May 1992 on the conservation of Natural habitats and of wild fauna and flora

This report outlines the results of Task 1 of the project. It reviews current multiple land use issues related to the Natura 2000 network and its management, conflicts and conflict management strategies in the European Union as a whole and specifically in five countries which were part of an in-depth review.

Structure of the report

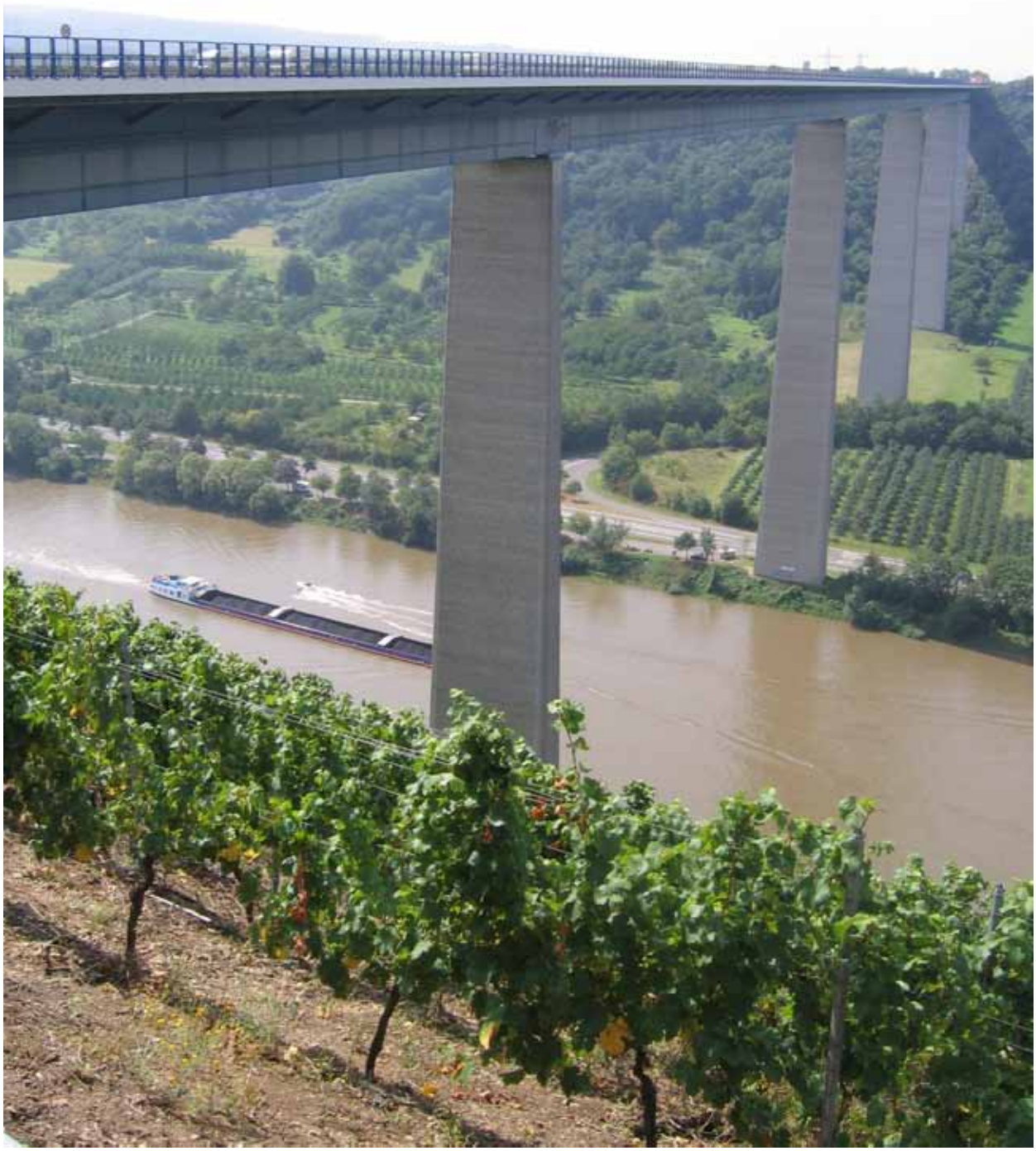
Chapter 2 focuses on theories developed for participatory approaches and conflict management in nature conservation in general as well as its application to Natura 2000 sites. Chapter 3 presents how Member States have organized the management of their sites and some multiple use issues and conflicts related to the management of Natura 2000 sites. Chapter 4 outlines the results of an in-depth analysis of conflicts and conflict management in five countries (Czech Republic, France, The Netherlands, Slovenia and Sweden). Regarding the conflicts we focus on conflicts related to the management of sites (article 6.1 and 6.2 of the Habitats Directive) and pay less attention to conflicts related to projects and plans (articles 6.3 and 6.4 of this directive). Chapter 5 provides some overall guidelines on participatory approaches and conflict management. Chapter 6 outlines the overall conclusions of this study.

The Partners

Alterra
Alterra is the environmental research institute of the Wageningen University and Research Centre concern (Wageningen UR). Alterra offers a combination of practical and scientific research in a multitude of disciplines related to environmental systems and sustainable use. The institute combines expertise on water and soils, ecosystems, water and climate, landscape, and geo-information for environmental assessments and works on environmental and resource economics issues together with the Wageningen UR institute LEI (Agricultural Economics Institute). In Alterra over four hundred scientists are employed. Alterra is part of the ALTER-Net network and the PEER network (Partnership for European Environmental Research Initiative) which was founded in 2001 to combine the forces of important European environmental research centres.

ECNC - European Centre for Nature Conservation
ECNC is a European expertise centre for biodiversity and sustainability with an active network of 46 partner organisations in 23 countries. It stimulates cooperation between science, policy and economy for the sake of biodiversity and people in Europe. It provides sound scientific expertise in support of governmental policies and promotes the integration of biodiversity considerations into other sectors of society. In its approach, ECNC combines vision with practical approaches and applicable expertise. ECNC undertakes studies in support of international policy development and implementation, organizes workshops and conferences that bring stakeholders together; develops advice that applies state of the art knowledge and expertise to policy issues; organizes capacity building and training programmes, and develops internet-based services for biodiversity information. ECNC plays an active role in achieving the objectives of the Countdown 2010 process. Through its five core programme areas (Nature and Society, Business and Biodiversity, European Ecological Network, State of European Nature and Biodiversity, and Support to International, National and Regional Biodiversity Processes) ECNC coordinates a wide array of projects.

Eurosite
Eurosite was created in 1989 in response to a clear demand for the exchange of practical nature management information within the European Community. Eurosite is now one of the largest European networks of nature conservation and site managing organisations and authorities, providing ways to work in collaboration for the benefit of Europe's nature and the human enjoyment of it. The network exists to amplify the diverse voices and interests of members across a spectrum of nature conservation issues. Eurosite is a unique network of governmental and non- governmental organisations, as well as private enterprises. As of November 2009, there are some 89 members from 23 different countries across Europe, providing access to Natura 2000 site managers and over 100 Natura 2000 'Ambassadors'. Members work together to address common challenges and issues on a European scale: through the network, they: (1) Focus on site management issues and 'on the ground' nature conservation; (2) Exchange knowledge, information and experience to inform, improve and promote good practice; (3) Lead in the development of new ideas for joint-working and seek ways to implement these; (4) Nurture relationships between members to support their work and help achievement of their mutual, specific nature conservation priorities.



2 Underlying theory on participatory approaches and conflict management

2.1 Styles of governance

Styles of governance or policy styles offer a framework for a government and its related agencies to make decisions. It determines or influences the way to reach policy goals and how to involve or direct actors in society in reaching those goals. In general, three main styles can be distinguished (see text box Styles of governance):

- the hierarchical policy styles;
- the network policy style;
- the communicative policy style.

Policy styles use different ways to involve citizens in the process of policy making and implementation. Participation strategies such as shared policymaking are more likely to be used in the network and communicative policy styles than in a hierarchical style (top down) approach.
In general it is assumed that participatory approaches are a good way to prevent or deal with conflicts (Stoll- Kleemann & Welp, 2006).
For this reason we may assume a relationship between the policy style of a country and the way conflicts are being addressed. So, also conflicts regarding the management of Nature 2000 sites can be solved in different ways.

Styles of governance

- Hierarchical policy style and top down approaches

These styles refer to classical modernist practices of policy making in which a small set of government actors prepares a policy (Hajer, 2003, p. 92) and assume the possibility of a smooth implementation of well considered plans. The government, as the dominant actor, imposes instruments for policy implementation directly on other actors.

- Network policy style

In a network society, government actors, stakeholders (representatives) and regional actors, that are mutually dependent on each other, participate in networks on specific policy issues. Decisions are the result of decision making processes that are characterized by negotiating and striving for consensus. In these networks, power is shared, although the government can still be a dominant actor. Results of these processes can be strategic policy plans or agreements/such as a convenant (see e.g. Klijn & Koppenjan, 1997).

- Communicative policy style and bottom up (participatory) approaches

Communicative policy styles and strategies focus on bottom up based processes for policy making and policy implementation in which citizens and communities are involved. Planning, according to the approaches, should be a process of facilitating community collaboration and consensus building (Voogd & Woltjer, 1999, p. 835; Healey, 1997). A characteristic of these arrangements is that citizens and interest groups are actively involved in the definition of problems and their solutions (Van Tatenhove & Leroy, 2003, p. 168). There are many variations in participatory approaches. An extreme case is self governance, in which the government is not an actor.

2.2 Participatory approaches

Within the field of Natural resource management many protected area managers have practical experience regarding participatory approaches and conflict management. Also several academic studies have been dedicated to emerging issues of conflict surrounding the management of Natural resources and ways to solve them. Conflicts related to the management of protected areas, in this case Natura 2000 sites, are not a new phenomenon. But in some areas the process of establishing the Natura 2000 network has resulted in the complication of pre- existing conflict.

In order to ensure adequate participation in implementing the Natura 2000 management, and to avoid conflict and to redress conflicts that have arisen during the site selection and designation stages, attention must be given to participatory processes. Conflict management and conflict resolution is an integral part of the site management process and management planning of Natura 2000 sites.

In many countries Natura 2000 sites are privately owned and leased and the management of the Natura 2000 sites depends on the active involvement of landowners and users. The importance of involving these stakeholders in the management of protected areas are apparent and reasons most often cited for doing so are (Stoll- Kleemann & O' Riordan, 2004; Keulartz & Leistra, 2008; Christopolou & Trizoni, 2005):

1. Democratic necessity. Involving the right people (e.g. stakeholders as defined in the text box below) in the management process respects their landowner and citizen rights and recognizes their vital role in the management of Natura 2000 areas.
2. Increase of social acceptance and public support for the management of the site. In many Natura 2000 sites the management of habitats is undertaken by private owners, NGO's and other non state organizations. Effective and efficient management requires the support of local stakeholders.
3. Sharing of knowledge and understanding. All stakeholders have unique different perspectives as to what the problem is and what constitutes a good solution. In developing management plans it is important to involve all (key) players in order to ensure that the best solutions are found and to build consensus. One of the important aspects of stakeholder involvement is to encourage people to work together, as part of a common effort that is driven by commonly agreed objectives; especially if sites are owned by various private owners or organizations working jointly on management issues increases change of success for the whole site.

However involving stakeholders in the management of sites requires investments of time and resources and can increase the complexity of the process of management planning. It also requires a long term commitment from the various parties and might not always lead to the expected results.

The Habitats Directive itself, unlike other European Directives, does not state any obligation or procedure for (public) participation in the establishment of the Natura 2000 network , during the development of management plans or whilst discussing management measures. However, the European Commission underlined in the Declaration of El Teida that the participation of local people and landowners is essential for the success of Natura 2000. The Habitats Directive itself does state that the 'measures taken pursuant to this Directive shall take account of economic, social and cultural requirements and regional and local characteristics' (Article 2). To take the social-economic context of site management and management planning into account to implement the directive in an effective way with as less conflicts as possible creating broad social acceptance, some questions are important to be aware of (see text box: Stakeholders).

Stakeholders

Stakeholders in nature conservation initiatives are people:

- Who are directly involved in the project and who need to carry out the practical decisions and actions in terms of planning, design and actual implementation in terms of protection, management, restoration or creation of habitat and associated work with species (e.g. landowners and managers, contractors, conservation NGOs and volunteers, etc)
- Who are directly affected by the plan or activity and can influence it but who are not directly involved in the work (e.g. adjacent landowners, local residents, hunters, bird watchers, recreational users, etc)
- Whose permission, approval or (financial) support will be needed (e.g. Regional and municipal authorities, local representatives of ministries, agencies and state institutes, etc)
- Who may participate in implementation via community mobilisation efforts or by representing a particular segment of society (e.g. environmental organizations, elected officials, chamber of commerce representatives, neighbourhood advisory council members, religious leaders, etc)
- Who may not be directly involved but who can influence opinions for or against the plan or activity (e.g. local celebrities, local media, elected officials, business or trade union leaders, environmental organizations, chamber of commerce representatives, teachers, neighbourhood group members, religious leaders, etc)

Adapted from: Rientjes, 2000.

However it should be acknowledged that participatory approaches in nature conservation management and planning can not avoid all conflicts. Sometimes basic differences of interest occur between stakeholders reaching the conservation objectives of a site and desired types of economic land use and no solutions can be found that are acceptable to all involved parties.

Besides, given the legal framework underlying the protection of Natura 2000 sites, organizations or landowners responsible for the management of a site may be held accountable for not adequately protecting the habitats of species or for undertaking activities damaging the site.

Several authors have distinguished different types and intensities of stakeholder involvement or participation, ranging from mere information to shared policymaking. For the purposes of this report we distinguish 3 main types of stakeholder involvement in the management of sites based on existing participation ladders[6] and the current practice of Natura 2000 management and management planning (Cornips, 2006; Pretty, 1995; Reed, 2008).

- Information: Stakeholders are informed regarding the management (plan)[7] of the area or the management measures required for which financial compensation can be obtained. The way of informing can vary from information provided on internet (where stakeholders have to seek actively for information) or articles in local newspapers, door-to door distribution of leaflets or information evenings which are hold locally.
- Consultation: After initial preparation of a management plan by the responsible authorities people are offered the opportunity to express their viewpoints during the process (either individually or during organized meetings), which are taken into consideration before making a decision. The procedure for consultation can be mandatory (e.g stated in laws or regulations), the prescribed standard working procedure of the organization responsible for management planning or only advised or suggested. In the case of a formal procedure allowing stakeholders to express their opinions on proposed decisions and offering an opportunity for objections and appeals, often an official procedure is in place to inform stakeholders how their views have been taken into account. In both formal and more informal procedures often for those participating in the consultation process it is not clear if and how their views have influenced the final decisions
- Shared policy or plan making based on co-decision: In a joint process stakeholders and responsible authorities develop together the management plan for the area and/or agree on the goals for the site and the necessary management measures. (See the text box: Examples regarding participatory approaches in Natura 2000 management)

Examples of the various forms of stakeholder involvement or participation in the management of Natura 2000 areas

Information:
In the Rural Development Program of Slovenia specific agri-environmental schemes for the management of hay-meadows have been developed which are applicable to certain Natura 2000 areas. Farmers in the areas are informed on the type of measures they can apply for by the agricultural extension officers. Farmers have not been involved in the development of the schemes.

Consultation:
In Slovenia a workshop is organized during the process of development of the forest management plans. During the workshop the plan is presented and interested stakeholders can express their opinion, both verbally as well as in written form. However the Forest Service decides whether or not to incorporate the suggestions and comments made during the workshop into the final plan.

In Baden- Würtenberg the plans that regulate the management of certain Natura 2000 sites (Pflege und Entwicklungspläne) are publicly displayed so that the general public can react to them. In addition a public hearing is organized were written comments can be discussed.

Shared policymaking or plan making:
In France a local working group (COPIL) consisting of local stakeholders and representatives of various stakeholder groups agrees on the site goals and establishes a management plan for a Natura 2000 site (DOCOB) including economic, social and cultural provisions for active management and preventive measures.

6 Many of the scientific literature distinguished more phases of participation – the participation ladder phases not listed here are theoretically sound in-terms of describing stakeholder involvement, but, are not typically evidenced in Natura implementation.

7 The Habitats Directive does not require that management plans are prepared, however many countries have decided to develop management plans as a tool to ensure that required management measures are taken and the favourable conservation status of species and habitats is ensured. See chapter 3 on more information on how countries have organised the process of preparing management plans.

2.3 Types of conflict and conflict management

Often a real conflict emerges from a dispute that escalates in terms of a gradual change from a disagreement to a conflict between people and/or groups. So, because not every quarrel or disagreement can be seen as a real conflict, the term conflict requires further definition for a better understanding of how to deal with them and of the process of conflict management. Because Natura 2000 is a policy instrument, existing definitions used to describe types of conflicts in a policy context were reviewed and three types are presented:

- differences of opinion: individuals have a different view on an issue, however, this situation has not yet evolved into disagreement or conflict, often due to the fact that there is no need for co-operation;
- disagreements: individuals disagree on the solution of a problem, however, mutual trust between them does not influence co-operation and negotiations are possible. Even if they may disagree on factual knowledge, or on the values they attach to this knowledge they are nevertheless assured of the co-operation of others;
- conflicts: individuals disagree on a solution of a problem and the mutual trust between the parties is lost. As a result parties will choose for non- cooperative conflict strategies (Kyllönen et al., 2006). These might result in subterfuge; lies, passive resistance, ridicule, feigned misunderstanding or even violent actions (see Conflicts in nature conservation). As a result the disputes drift outside settled social mechanisms (Hellström, 2001; see text box Conflicts in nature conservation).

Conflicts in nature conservation

Symbolic and illegal - throwing rocks in the sea

In September 2008 Greenpeace sank 323 pieces of granite each weighting 2-3 ton in the Dutch North sea near the German isle of Sylt.
Greenpeace started this action because they considered the German Natura 2000 sites not sufficiently protected and the designation of Natura 2000 sites in the Dutch marine area being delayed too long. Despite the year long talks no areas had been designated till that moment.
German and Dutch officials judged the action illegal and stated that the action might endanger the lives of fishermen as ships might capsize if the rocks were caught in their nets. As a result of the action the Dutch Federation of fishermen (Visserijverenigingen) ended all talks with Greenpeace.

(the Netherlands, Volkskrant September 2008)

Ranger shot

On the 14th of April 2009 a ranger of the Foresta 2000 afforestation project on Malta was shot leaving his car. He suffered slight head injuries and was released from hospital after treatment.
Foresta 2000 is a jointly managed project by the National Trust of Malta (DLH), BirdLife and the Parks Department. Both the president of DLH and BirdLife condemned the incident and pointed out that this was the latest in a number of incidents against BirdLife. It was also the third violent attack against the ranger. In all such cases, they said, no one was ever taken to court and unless there was tough action to find the aggressors, the situation could get worse.

(Times of Malta, April 2009)

In the framework of this study a conflict is determined as a situation in which a dispute starts between various stakeholders and parties on the management of a Natura 2000 site or its direct surroundings and in which no co-operation or negotiation between the parties exists at a certain point in time. As long as parties are still talking and negotiating we refer to this situation as a disagreement.

Regarding conflict management it can be stated that there is no independent scientific discipline based on theories on conflict management. Theories developed on conflict management including ways of how to solve them, are usually related to specific disciplines as sociology, psychology, philosophy or organizational management.
Nevertheless, it will be helpful to show that successive phases can be discerned in the development of a conflict (van Dijck, 1974):

1. Conflict acknowledgement. Both parties recognize that they are in conflict regarding the management or the development of a Natura 2000 site. In many conflicts in Natura 2000 areas decisions of the court have played an important role by ruling that some developments or management practices are not compatible with the nature conservation objectives.
2. Conflict inter-dependence. The parties in the conflict try to influence each other's opinions, normally this phase is accompanied by extensive communication processes. Often in this phase of the conflict the media plays an important role as parties use the media as a way to influence public opinion.
3. Coalition forming. The parties try to seek other parties that might share their viewpoint and would strengthen their negotiation position.
4. Formation of (informal) co-operation structures. In this phase the parties are forming co-operation structures in which they can resume talks and look for solutions (working groups, committees etc).
5. Power struggle. In this phase the parties are testing their negotiation position, both between the parties as well as in contact with external parties. They are also checking tolerances to see to what extent they can go to achieve their own priorities. In this phase, the conflict can intensify alarmingly as parties are essentially engaged in a power struggle, seeking to dominate and over-power other parties.
6. Compromise. The parties are discussing solutions in order to solve the conflict; these can be changes in organizations, regulations, incentive mechanisms or new management techniques.
7. Decision and communication; final decisions are taken and the agreement is communicated to interested parties and the general public.

Conflict management can be described as a non-violent process that promotes dialogue and negotiation and implies (adapted from Babbitt et al, 1994):

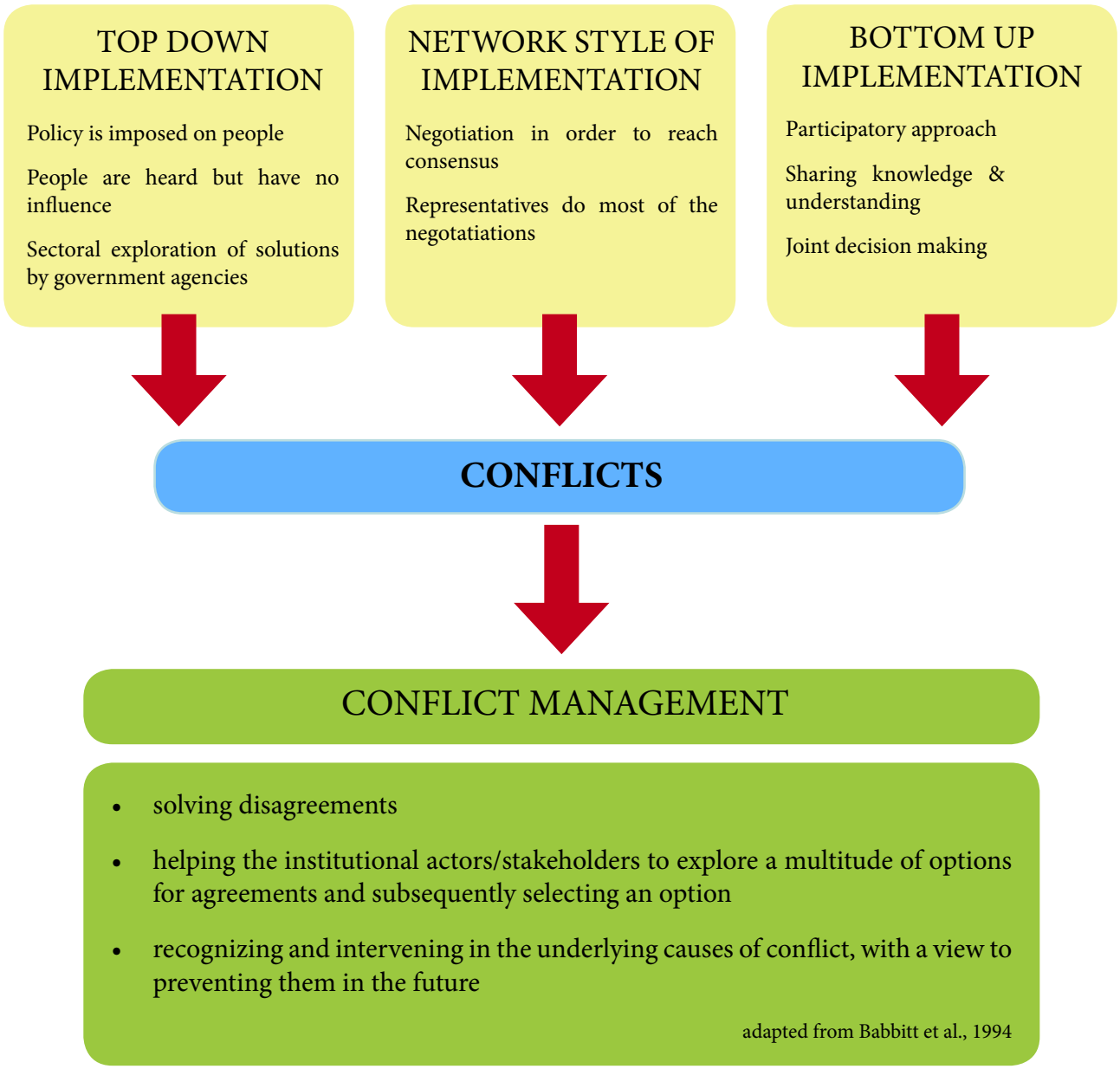
- solving disagreements and rebuilding of trust
- helping the institutional actors and stakeholders to explore a multitude of options for agreements and subsequently selecting an option
- recognizing and intervening in the underlying causes of the conflict, with a view to prevent them in the future

During the process of conflict management the causes of a conflict can be analyzed and sometimes solved. In general regarding both directives, solutions can be found in changing the formal, social and technical aspects of their implementation and execution. Such changes are called 'transitions'. They are illustrated by:

- changes in national law and regulations, financing systems, site selection and designation procedures or formal consultation processes. Also organizational changes of administrations responsible for the management of Natura 2000 occur. Furthermore stakeholders' opinion can differ on the best way to incorporate the new requirements in existing structures or the need for new structures;
- changes in opinions on the importance of the Natura 2000 network and in existing views on nature conservation and nature values. Furthermore, ways of the involvement of stakeholders can change as can their opinions and behaviour. Also new forms of co-operation (local, regional and national) can be developed;
- changes in management practices and the development of innovative technologies.

Figure 1 outlines the relationship between the various issues raised in this chapter.

Figure 1 Relationship between policy styles, type of conflict and conflict management



2.4 Study methods and approach

The approach for this study was two-fold. A European wide literature search (using electronic library sources as well as internet) was undertaken in order to find publications related to conflicts on the implementation of Natura 2000. This review was complemented by a European workshop in which stakeholders involved in the implementation were brought together to discuss multiple use issues and conflicts they experienced regarding the management of Natura 2000 sites in Europe (ECNC, 2009). Furthermore an in depth review was undertaken in five countries.

European wide review

As part of the European review as well as the country studies we gathered both articles, books and reports as well as statements of various stakeholders on multiple use issues on Natura 2000 and emerging conflicts. We reviewed them using the following questions:

1. to which phase of the implementation of the Birds and Habitats Directive do they relate? (legal transposition, site selection, site designation or management ?)
2. what are the arguments and points of conflict put forward by the parties – do they relate to social or more formal changes (see 2.3)?
3. which type of multiple use issues are discussed, do they relate to the implementation of plans and projects (article 6.3) or to the management of sites and their habitats and species (article 6.1)?
4. to which sectors do the multiple use issues that are discussed relate to?

Table 1 presents some examples of the way the arguments were reviewed.

Table 1 Categorization of information found on conflicts regarding Natura 2000 (see 2.3)

		Arguments
Selection/designation	Social transition	Private landowners were not informed or consulted on site selection Private landowners have different views on the need to protect the biodiversity in the sites
	Formal transition	Sites are selected based on ecological criteria only No formal consultation process is in place
Management	Social transition	Private landowners do not feel they can influence the management (plan) process as they are only consulted
	Formal transition	Elaborate administrative requirements to obtain funding for compensation
Plan - projects	Social transition	Development companies feel that economic considerations are more important then nature conservation consideration
	Formal transition	Development companies/ private entrepreneurs feel that the costs of undertaking an appropriate assessment should not be paid by them

During the research a lot of information was found on conflicts that have occurred during the selection process of the Natura 2000 sites. As the focus of this study is on multiple use issues and management of Natura 2000 sites we will not elaborate extensively on the conflicts that have taken place during the site selection process unless they relate to management issues.
It should however be kept in mind that in some Members states the process of site selection has not yet been completed or that during the selection process conflicts have arisen that have generated a negative attitude towards Natura 2000 that (still) influences the management and management planning of the sites.

Country studies
In order to provide a good overview of the way Member States in the EU are currently dealing with the management of Natura 2000 sites, their multiple use and conflict management, five countries have been selected for an more detailed analysis and review.
The following criteria have been applied in selecting these five countries

1) Stage of development of management planning, comparatively between and within the Member States, and of the process of discussing multiple use of the sites;
2) Different ways the Member States have organized the process of management;
3) The geographical position of the countries.
4) Different participatory approaches and organizational structures and processes to involve stakeholders in the management of the areas.

Annex 1 provides an overview of the 27 Member States of the European Union and their scores for the criteria.

The following five countries have been selected[8]:

- Czech Republic
- Sweden
- The Netherlands
- Slovenia
- France

Limitations of this study

European review
Much of the information published on the implementation of Natura 2000 is not easily accessible due to the type of publication (internal reports, news paper articles, letters) and due to the fact that it is published in the various languages of the Member States. Therefore the literature review restricted itself to articles, books and reports available on internet and the information provided by the participants of the workshop.

Country review
As part of the project information was gathered on various aspects that might influence the different conflict situations arising in the various Member States and the solutions found. On the basis of this information the countries have been selected with care in order to provide a good representation of the conflicts arising in the EU on Natura 2000. Nevertheless, this report might have overlooked certain conflicts or solutions as it was outside the scope of this study to do an in-depth review of all European Members States.

8 Originally it was also foreseen to include Spain but, due to logistic reasons (planning of the country visit, availability of Spanish representatives), it was decided not to include Spain in the in-depth review.

3 Natura 2000: Results of the European overview on multiple use issues and conflicts

3.1 Management of Natura 2000 sites and involvement of stakeholders in the EU

The Habitats Directive provides the Member States freedom on how to organize the management of the sites. Article 6.1 of the Habitats Directive states that:

"*For special areas of conservation, Member States shall establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the Natural habitat types in Annex I and the species in Annex II present on the sites*."

So, the development of management plans for Natura 2000 sites is not obligatory, and Member States can decide whether they develop management plans or will use other management instruments.
Kruk et al (2009) distinguish three different approaches taken by the Member States to arrange the management of Natura 2000 sites:

1. Development of an overall national document outlining management requirements for sites to be incorporated in other planning documents. Portugal, Slovenia and Italy are countries that have chosen this approach;
2. Development of management plans for some of the sites, which often had a protection status prior to selection and designation. These sites usually have an organization responsible for the management and a well-established procedure in place for the development of management plans. For other sites in the country, management is arranged by contractual means. Finland, Hungary, Poland and Germany and the Czech Republic are countries that have chosen this overall approach;
3. Development of management plans for all sites regardless of their status prior to designation. Countries as the Netherlands, France, Romania, Denmark, Estonia, Slovakia and Sweden have chosen this approach.

It is good in this context to discern the two functions of a management plan,

- on the one hand it is a technical tool which traditionally focuses on the conservation objectives, management measures, targets and monitoring of the site
- on the other it can be a tool that plays a pivotal role in the process to define common objectives and shared views amongst all those involved in the use and the management of the site.

The way in which a management plan is produced and how it is implemented, therefore, is just as important as the technical or scientific quality of the document.
The Habitats Directive itself does not state any obligation or procedure for (public) participation in the establishment of the Natura 2000 network or the development of management measures for the Natura 2000 sites. As a result, the Member States selected various approaches to involve the public in management planning and the management of the Natura 2000 sites.

Due to the different approaches different organizations in Europe are responsible for the management planning and the management of the sites. It is important to realise that in practice a management plan, whilst formally the responsibility of one organisation, may be the product of 'partnership management' approaches – these are often developed recognising the stake of different organisations and individuals in the management planning for a given site.

Based on Kruk et al (2009) and the research undertaken in the framework of this report the following entities can be responsible for the development of the management plan and/or the site management and their implementation including or not different stakeholders (see text box "Examples of different organizations responsible for the development of management plans"):

- Local working group or committee (often under the responsibility of the government and sometimes supported by a local facilitator);
- Established management body of a protected area (for instance a National Park).
- Local or regional administration (municipalities, provinces);
- National, regional or local environmental authorities
- Consultancy often in close co-operation with the responsible government and its organizations.

Examples of different organizations responsible for development of management plans

Local working group or committee
A local working group (COPIL) consisting of local stakeholders and representatives of various stakeholder groups develops a management plan for the Natura 2000 site (called DOCOB).

Management body
In Finland most of the Natura 2000 sites (80%) are state owned and managed by the National Heritage Service of Metsähallitus. Setting up a management plan is statutory only for sites nationally designated as national parks and wilderness areas. The National Heritage Service is responsible to develop management plans for these sites. Finland has incorporated the new obligations regarding Natura 2000 as part of this regular management plan process.

Local or regional administration
In Lower Saxony many Natura 2000 sites were already protected under national law as Naturschutzgebiete. For these areas a 'Pflege und Entwicklungsplan' is developed. The responsibility of drafting these plans is in most cases allocated at the Kreise-level, an administrative level within each federal state.

Consultancy company
In the Netherlands often a consultancy is commissioned by the responsible authority to develop the management plan. For instance for the Natura 2000 site called 'Grensmaas', the regional agency of the Ministry of Transport, Public Works and Water Management, has hired a consultancy company "Bureau Drift" that was responsible for organising the participatory process required for the drafting of the management plan as well as writing of the management plan.

Regardless of the existence of a management plan, different sets of instruments can be used to deal with the management of nature sites (Henle et al., 2008).

- Regulatory approaches: instruments can vary from legal regulations and directives and prohibitions.
- Economics instruments (e.g. 'incentives') and strategies focusing on the market value of ecosystems (subsidies, compensation, marketing, contracting, audit, production of tradable environmental goods).
- Separation of nature and other functions of land: acquisition of land or user rights by the government.

For the Natura 2000 sites for which no management plan is developed the necessary management measures are often arranged using various instruments or combinations, of which most commonly used are :

- Management will be executed through contract based management schemes. Often the responsible administration service needs to arrange the contracts with private landowners (economic strategy);
- Sectoral plans need to incorporate the management requirements of Natura 2000 sites. The organizations responsible for drafting these plans are responsible to incorporate them in the right way (regulatory approach).

3.2 Multiple use issues and conflicts

Several publications and statements have emerged in the last years reflecting the views of stakeholders on the designation (process) and management of the Natura 2000 sites in the Member states.
During the literature review and during the European workshop organized on 18th of June 2009 in the framework of this research a multitude of conflicts was identified. They are categorized based on the phase of the implementation of the network (site selection and designation versus management and multiple use of the Natura 2000 Sites) as well as the type of multiple use issues discussed (article 6.1 on management of habitats of species and habitats or article 6.3 on plans and projects).

Site selection and designation
Already in the phase of the selection of sites many conflicts have emerged which have set the scene or are the starting point for other discussions and conflicts during the process of formulating the management of the sites. A lot of the literature on conflicts with respect to Natura 2000 as well as issues raised during the European workshop are related to this phase and focus on:

Process of information and communication during site selection:

- Exclusion from the site selection process of concerned stakeholders as private landowners, municipalities, local businesses (Court of Accounts of France, 2008; Ministry of ANF, 2007 ; EC, 2008);
- No or inadequate or ineffective information (poor communication) especially regarding the effects of site designation for current and future use creating uncertainty and mis- information amongst concerned stakeholders (ECNC, 2009)
- Inadequate consultation procedures (Ministry of ANF, 2007; Unnerstall, 2008; CEPF, 2009);
- Use of scientific data and information and the legislation (both of which are set out in institutionalised language that is inaccessible to the majority of stakeholders) are perceived as a weapon/ completely inflexible object against which it is almost impossible for a layperson to construct an argument; the result is a feeling of powerlessness, frustration and despair resulting in conflicts. (ECNC, 2009);
- Delaying the designation process after initial announcements/ consultations thereby creating uncertainty, deterioration in trust and frustration on the part of owners and occupiers of land (ECNC, 2009).

Criteria for site selection and delineation

- Quality of scientific data underlying the site selection. Stakeholders argue that areas have been selected in which species and habitats do not occur or the selection process is based on inadequate scientific data (ECNC, 2009; Ministry of ANF, 2007);
- Delimitation of the sites. Extensive discussion have taken place with stakeholders on the exact location of the boundaries of the sites (Bouwma et al, 2008);
- Selection criteria for the sites. Selection of the sites is based on ecological criteria and does not take into account socio-economic criteria (Court of Accounts of France, 2008).

History of relationship between nature conservation/ protected areas and existing land use

- The designation process reignites old animosities and previous conflicts which are then replayed on a different stage;
- General perception in several European countries that protected areas will exclude all other land use (ECNC, 2009);
- Emphasis on buying the land as a instrument during the selection process, while the selection of the site is based on the value of the land due to specific management of the landowners (Sweden country study);

Multiple use issues related to the management planning or the necessary management measures

- Actual restrictions to current land use of a Natura 2000 site (Ministry of ANF, 2007; ELO, 2006; CEPF, 2009). Publications refer to various restrictions foreseen in the current land use of the areas in a broad range of different land uses as agriculture, forestry, hunting, tourism, transport, fishery and extraction industries or mining (see Table 2 for the various land use restrictions found in this research, many of which are the source of conflicts on multiple use);
- Inadequate financial compensation/ means for the restrictions imposed (ELO, 2006; CEPF 2009; Suda et al, 2005);
- Reduction and/or interference of the sovereignty of landowner to decide on the management of his own property (Björkell, 2008; Suda et al, 2005);
- No or limited acknowledgment for existing local knowledge and expertise in the process of management planning (ECNC, 2009);
- Different perceptions and views on nature/biodiversity and ways of protecting it between involved stakeholders in the process;
- Different time horizon for considering management issues between the landowners/managers (30-40 years) and administrators/ politicians (5-10 years);
- For marine sites, difficult ownership, user rights and competence situation.

Multiple use issues related to plans and projects

- Limitation to (future) development restricting options for land use and limiting economic development (ESPO, 2007; Bouwma et al, 2008) (see Table 3 for the various restrictions to development found in this research)
- Conflicts arising from conflicting policies due to lack of integration between different (sectoral) plans and processes to develop these plans[9] (RSPB, 2003; Court of Accounts of France, 2008).

9 It both relates to lack of communication and integration of plans of different governments as to the fact that stakeholders are confronted with all these plans and have to deal with them.

Table 2. Examples of various multiple use issues and their sources

Sector	Limitation	Reference	Best case example
Forestry	Reduced harvest due to need for increased dead wood	LANUV, 2004 Slovenia country study (see chapter 4)	
	Limitation to the period of building of forest roads	Slovenia country study (see chapter 4)	
	Limitation to tree species selection/ ban on introduction of non-native trees	LANUV, 2004	
	Ban on (clear) cutting	LANUV, 2004	3.4 France Massif Forestier du Mont Beuvray Foresters object during participatory process
	Prohibition of drainage/ change in water level	LANUV, 2004	
	Prohibition on fertilizer, biocides or use of chalk	LANUV, 2004	
	Clear cutting of non-native tree species/clear cutting for restoration of non- forest habitats		1.3 United Kingdom Fenn's, Whixall, Bettisfield Opposition to the felling of invasive pine forest
Tourism/ Recreation	Limitation of access to area for boats, motorized vehicles (zoning, resting periods)	Zakinthos (Greece), Loosdrechtse Plassen (Netherlands), Stichting Recreatie (2004)	1.2 France Bendola
	Limitation of access for hiking and climbing,kite surfing	Catalonia (Spain)	2.2 Spain Muntanya de Montserrat 2.1 United Kingdom Thanet Coast & Sandwich Bay
	Restrictions for annual happenings/ festivals		2.5 Germany Ehrenbürg und Katzenköpfe Impact of traditional music festival 2.6 Finland Ruissalon lehdot International rock festival
Agriculture	Reduction in fertilizer use	Netherlands country study (see chapter 4)	
	Reduction of emission of nitrogen	Netherlands country study (see chapter 4)	3.1 Netherlands Peelvenen
	Elevation of groundwater table	Netherlands country study; Doorn et al, 2008	
	Reduction of irrigation	Los Monegros (Spain)	
	Reduction of grazing pressure	Ireland, Owenduff-Nephin Beg Complex	
	Reduction of number of cuttings/mowing allowed due to delayed harvest date	Slovenian country study (see chapter 4)	3.3 France Nord Morvan Farmers fear constraints to be imposed
	Ban on burning vegetation	Kruk et al, 2009	

Sector	Limitation	Reference	Best case example
Hunting	Restrictions on period of hunting due to migratory or breeding season	Italy , France (EC, 2006); Kruk et al, 2009	
	Restrictions on species (and species bag count) for which hunting is allowed	Birds Directive	
	Ban on hunting Some countries have placed a ban on hunting in NATURA 2000 areas although this is not required by the EU or a prerequisite for reaching the conservation goals of the site;	Netherlands country study (Lebersorger, 2002)	2.4 Italy Po delta, Rovigo Lack of involvement of hunters organisation in Natura 2000 impementation
	Wildlife repopulation for hunting purposes	Kruk et al, 2009	
Extraction/mining (sand,peat, water)	Restriction on the period of extraction of sand	Suffolk County Council, 2006	
	Requirements regarding restoration activities to be executed after extraction	Breckland SPA (UK)	
	Ban on extraction of peat	Several Natura 2000 sites (Ireland) , phasing out of peat cutting acquisition of peat rights	
	Drinkwater extraction	Kruk et al, 2009; Kennermerland-Zuid (Netherlands)	
Fishery (commercial + recreational)	Reduction of amount of fish caught/ Need to reduce intensive fish industry (fish ponds)	Czech Republic county study (see chapter 4)	
	Ban on fishing	Waddensea -cockle fisheries; mussel seed fishery(The Netherlands) (see chapter 4); Waterford Estuary – cockle fisheries (Ireland)	3.5 United Kingdom Pembrokeshire Marine

Table 3. Restriction to future land use or development due to the assessment of plans and projects on the Natura 2000 sites (article 6.3)

Sector	Limitation	Reference (either NATURA 2000- area and/or literature reference)	Best case
Transport (road/ airport/port)	Ban on road development in NATURA 2000 area/ Different trace of road avoiding NATURA 2000 area	Rospuda Valley (Poland), Krasn gorge (Bulgaria); Monte el Pardo (Spain); Naardermeer (The Netherlands), Buzau river (Romania); Lech Valley (Austria); Strait of Gibraltar (Spain); Santona marshes (Spain)	4.3 Netherlands Naardermeer A new motorway next to the Natura 2000 site 4.4. Poland Rospuda Valley A new road corridor: Via Baltica 4.9 Denmark Saltholm Island A bridge placed near a bird roosting area
	Restrictions to port expansion	Rotterdam (Netherlands), Liverpool (UK); Humber Estuary (UK); Bristol (UK); Antwerp (Belgium); Göteburg (Sweden)	
	Restrictions to dredging of shipping lanes and/or deposition of sediments resulting from dredging activities	Humber Estuary (UK); Dragaggi (Italy)	
	Restriction to airport expansion		4.6 Finland Pomponrahka Expansion of Turku airport on the adjacent bog
Tourism	Expansion tourist facilities (hotels, campsites, ski-slopes, golf courses) not allowed	Zakopane (Poland); Beskidy (Poland); Mount Olympus (Greece); Wendler & Jessel, 2004; Netherlands country study; Wörschacher Moos (Austria); Geuldal (Netherlands)	4.5. Czech Republic Krkonoše Mountains Ski resort development on meadows
Urban/industrial expansion	No construction allowed in NATURA 2000 area	Santona marshes (Spain)	4.8 Finland Rauvolanlahti New residential areas next to wetland area
Agriculture	Restrictions to expansion of business/ change in type of business	Netherlands country study (see chapter 4)	3.1 Netherlands Peelvenen
Fishery	Ban on certain fishery techniques	Waddensea (The Netherlands)	
	Ban on fish farming	Santona marshes (Spain)	
Energy	No construction of windmills	Lewis Wind Farm (UK), Slovenia country study (see chapter 4)	
	No construction of solar panels	Slovenia country study (see chapter 4)	
	Construction of dams for hydro-electric power	Slovenia country study(see chapter 4)	4.2 United Kingdom Fifth of Forth Extension of the operating life of a power station 4.1 United Kingdom South Humber Bank A new biomass / bioethanol facility

4 Countries, multiple use issues and conflicts

4.1 Introduction

This chapter describes the outcomes of the country studies on multiple use issues of Natura 2000 sites and emerging conflicts. In Annex 2 for each country a detailed description is provided regarding information about the current situation of the Natura 2000 network, the organization of management and conflicts that occur or have occurred. In this chapter, background information is presented on the way countries address management planning and on the use of participatory approaches (4.2 and 4.3). In 4.4 we address differences and similarities in topics and types of conflicts that occur in the countries that were studied.

4.2 Management planning of Natura 2000 sites

The management planning of the Natura 2000 sites is arranged differently in the five studied countries.
Slovenia has chosen to develop an overall national document entitled 'Natura 2000 Management Program' which outlines management requirements for sites which stipulates the management measures which need to be incorporated in other planning documents that already regulate the use of Natural resources (Bibic, 2007). The *Czech Republic* develops management plans for some of the Natura 2000 sites that overlap with the Czech protected areas, the management plans developed are not specifically developed for Natura 2000 sites. France, Sweden and the Netherlands have chosen to develop management plans for all sites (see Annex 2).

In Slovenia a large group of agencies related to two Ministries (Ministry of Environment, Ministry of Agriculture, Forestry and Food) are responsible for ensuring that management measures are incorporated in the relevant plans and are implemented. In the Czech Republic responsibility for management planning is shared among (branches of the) agency of nature conservation and landscape protection, regional governments and National Parks authorities. In France the responsibility for management planning and implementation is delegated to the prefect (lower government) and the local committee (COPIL) that is drafting the management plan (DOCOB) which has to be approved by the prefect. In Sweden the regional authorities (County Boards) are responsible for the development of management plans and overseeing their implementation. In the Netherlands the responsibility for management plan development is divided between 3 Ministries (Ministry of Defence; Ministry of Agriculture Nature Management and Fisheries, Ministry of Transport and Waterworks) and the 12 regional governments (Provinces).

In some cases in order to prepare the management plans consultants or NGOs are hired by the responsible organisation (Sweden, Czech Republic, the Netherlands). In France the prefect appoints a technical operator who is paid for writing the DOCOB. These 'operateurs' are in most cases representatives from associations of stakeholders (e.g. hunters), nature conservation organisations and local authorities.

4.3 Participatory approaches in management (planning)

The type of participatory planning differs between the reviewed countries based on the overall approach chosen in the country (see table 4). France has through the establishment of local committees (Comité de Pilotage) opted for participation that can be described as shared policymaking under the responsibility of the government (prefect). Involved landowners and land users, local authorities and conservation and governmental agencies together discuss and agree on the management plan. In the Netherlands the approach depends on the organization responsible for the development of the management plan. The process is in between consultation and shared policy making. Some management plans are develop in consultation with working groups in which involved landowners, governments and agencies are represented, others are developed by responsible authorities or consultancies and then publicly discussed. The overall approach in Slovenia for plans related to forestry, hunting and fishing is that the responsible agency drafts the plan and provides an opportunity for consultation. In Sweden that is also the official guideline; preferably the landowner can discuss different management options with the authorities. In the Czech Republic consultation procedures are obligatory for management plans of protected areas.

Regardless of the general country approach chosen or prescribed several respondents indicated that often there are large differences between the actual practice of stakeholder involvement and the official or recommended procedure. Both 'good' examples in which the approach towards participation is further developed then the recommended procedure as well as 'bad' ones exist.

As, in Czech Republic, the Netherlands and France, the management plans are only legally binding for authorities, participatory approaches are very important in order to ensure the co-operation and willingness of private landowners to undertake the management measures on a voluntary basis or to join specific agri-environmental schemes for management.

None of the selected countries can be characterized by only giving information on the management and management instruments (see table 4).

Table 4. General type of participation approach to Natura 2000 management planning in reviewed countries

Type of participation	Country
Information	-
Consultation	Sweden, Slovenia , Netherlands, Czech Republic
Shared policy making	Netherlands, France

4.4 Conflicts - Similarities and differences

Whilst reviewing the multiple use issues and the emerging conflicts in the reviewed countries similarities and differences were noted. Annex 2 provides a detailed description of the countries.

4.4.1 Topics of conflict: similarities and differences

In many countries, problems in the management planning phase of Natura 2000 can be related to the history of the site selection process of Natura 2000. Unclear information about Natura 2000 and its consequences to stakeholders in the selection phase and the step by step adding of more and more sites to the Natura 2000 network led to misunderstanding and frustration. This occurred in several countries. Underlying the topics of conflict mentioned below, often is a feeling that stakeholders and landowners are not being taken seriously by the officials.

Despite such similarities, conflicts about Natura 2000 are often related to the specific history of nature conservation in a country or to the political context or culture of a country in general. For example, the history of economic sectors related to nature conservation is an important basis on which stakeholders in different countries perceive Natura 2000. Market oriented agricultural or forestry sectors may view Natura 2000 as one in a row of restrictions caused by the nature conservation sector. In other countries, agricultural production has never been seen as being opposite of nature conservation.

The implementation of Natura 2000 itself also differs between the countries and may account for different conflicts. Countries make different choices to organize management and involve stakeholders. A country may or may not require management plans or translate Natura 2000 into a national protected area system, with its own specific (legal) requirements and effects on stakeholders. Often, the national system is the source of conflict, while Natura 2000 renews these discussions.

The question in this section is: what are the conflicts that we have witnessed about? And: which of these topics of conflict are country specific?

For describing the discussion and conflict related to the implementation of Natura 2000 management a division has been made in two main categories:

- difference of opinion/ disagreements or conflicts related to management of Natura 2000 habitats and species
- difference of opinion/ disagreements or conflicts related to the development of plans and project that might have a significant negative effect on Natura 2000 sites

Differences of opinion/conflicts related to management

Similarities:

- *Ownership rights*. Private landowners feel that their property rights are not respected in the process of Natura 2000 site management planning. They are often only informed or in the best cases consulted in the process of management planning.
- *Consultation versus shared policymaking*. Private landowners and other stakeholders indicate that the current participatory approach does not provide them sufficient influence. Often it is unclear how their views and comments are taken into account in the process of consultation.
- *Limited management flexibility.* Private landowners feel that the offered standardized management measures and fixed contract periods (e.g. in agri-environmental schemes) limits the flexibility of management of their business and are therefore less inclined to enter such schemes
- *Increased bureaucracy.* Part of the conflicts are caused not so much because private landowners object to the management measures as such but by increased administrative requirements for obtaining agri-environmental payments or required procedures for permits to undertake certain activities (e.g. forest road construction, business extension).
- *Fear of restrictions and insufficient compensation.* Landowners and stakeholders often fear that Natura 2000 will lead to restrictions in land use, or to limitation of their economic production and that they will be insufficiently compensated for this loss of income.

The following differences were noted:

- *Conflict with the agricultural sector*. Current agricultural practices are a source of conflict in the whole of the Netherlands (high nitrogen emission and deposition). In Slovenia and the Czech Republic this is more limited to a few specific regions. In areas which are considered as Less Favourable from an agricultural perspective management schemes are considered as a profitable alternative for landowners. Nature protection and agricultural development are considered compatible and can profit from one another.
- *Forestry;* In Sweden, Slovenia and to a less extent in the Czech Republic, forestry is an economic sector that generates incomes for businesses. In these countries restrictions of forestry practices generates conflicts as it results in a loss of income. In the Netherlands the economic benefit of the forestry sector is less.
- *Clashes between different views on nature conservation.* In Sweden and the Netherlands the general dominant view is that market oriented agricultural management / forestry management and nature conservation are not easily combined. This has resulted in a policy that is aimed at acquisition of land from private landowners in order to safeguard it's natural values. Private landowners do not consider this as the best or only option to safeguard nature and biodiversity –they state that they also can manage areas for nature conservation purposes as they and their ancestors have done all along.
- *Public Access:* In Sweden private landowners fear that designation of areas as Natura 2000 sites will lead to increased visits of recreants on their land which will impel them to take extra measures (extra fences, visitors facilities) to avoid damages or unlawful entry
- Depending on the system of implementation: if it is translated into a *national system of protected areas*, Natura 2000 conflicts are not always resulting from rules and restrictions stemming from the Natura 2000 designation, but can originate from the rules and regulations of the national system of protected areas. Natura 2000 often means an increase of the number or surface of protected sites, which fuels these discussions again.
- In some countries, *national regulations* are a source of conflicts (for instance in the Netherlands: a ban on hunting in Bird and Habitats Directive resulting from the national Flora & Fauna law; in the Czech Republic hunting restrictions in protected areas; in Sweden a ban on forest exploitation in protected areas). Stakeholders ascribe these restrictions to the Birds and Habitats Directive, but in fact it are national decisions on the implementation of the Directives. These conflicts reoccur when discussing the management of Natura 2000 sites.

Differences of opinion/conflicts related to plans and projects

Similarities:

- *Plans and projects*. In all of the researched countries conflicts regarding planned developments occur. It appears that conflicts between the nature conservation objectives and planned project and plans become apparent. They are subject to licensing or formal approval and this requirement often leads to conflict situations.

Differences:

- The way the requirements of the Birds and Habitats Directives are incorporated in the national legislation, differs among the countries. Regarding the appropriate assessment (AA) of article 6 of the Habitats Directive, some countries have this assessment incorporated in an EIA based on environmental law and others use different sectoral legislation. For example in the Netherlands the appropriate assessment is described in the nature conservation law and differs from an EIA as is described in the Environmental law. A Dutch EIA is broader than a Dutch appropriate assessment because it does not focus especially on the protected species and habitats and their favourable conservation status. Nevertheless, the older impact assessment procedure is already accepted but the new AA is experienced as prescribing new restrictions to projects and plans causing hot debates and conflicts.
- Countries also differ in how far they are with the implementation of the whole article 6. In France the implementation of this article focused on the management planning and the site management using a participatory approach. This approach is felt to conflict now it comes to the regulations regarding the project and plans.

4.4.2 Types of conflicts

In chapter 2, we have stated that a dispute often shows a gradual change from disagreement to conflict between people and/ or groups. We have distinguished three types of disputes: differences of opinion (a different view on the issue); disagreements (individuals disagree on a solution of a problem but mutual trust exists between the individuals and co-operation exists and negotiation will be sought) and conflicts (individuals disagree on a solution of a problem and the mutual trust between the parties is lost). Not all differences of opinions or disagreements evolve to real conflicts, for example when the parties take a positive attitude to solve their disagreements.
Disputes can also start as a difference of opinion, evolve to a disagreement and then to conflict, but it can also be the other way around: a conflict can become a disagreement, or difference of opinion.

How can we characterize the conflicts that have occurred in this study? Are they discussions/difference of opinion, disagreements, or conflicts? We have come across the following conflicts:

Differences of opinion

Differences of opinion occur when different individuals or groups have a different view on an issue. In this study, seeking especially to find the opinions of different stakeholder groups and (economic) sectors, many different thoughts have occurred about nature conservation in general and the (implementation and management of) Natura 2000 specifically. These different opinions can vary from different views of nature conservation, different views of the extent to which (economic) activities are compatible with nature and different views on nature management. Differences of opinions can be expressed in several ways that involved no conflict.

Differences of opinions may even refer to the absence of conflicts, especially when it concerns management of the sites. Management is often based on voluntary agreements and if the landowner and management organisation / government official do not reach an agreement, often no legal framework exist to force the issue. Also, as it often concerns individual landowners (farmers, foresters, hunters), these cases generate less attention. Individual management conflicts gain less attention than large conflicts that stakeholder organizations involve in, conflicts that end up in court. In some countries the development of the Natura 2000 management plans has led to limited conflicts, like in Sweden. Many stakeholders, when consulted on the plans, had little objections. Reason for this might be that there is a (financial) advantage if the land is getting a protected status (especially in grassland), or that these landowners are already involved and informed.

Absence of conflicts can also be related to participation strategies, which are often meant to avoid conflicts.

Disagreements
Disagreements refer to a situation, in which individuals disagree on a solution of a problem, but mutual trust exists between the individuals and co-operation exists and negotiation will be sought.

Many of the conflicts that have been mentioned during the country visits are in this category. Differences of opinion occur in negotiations between government officials and land owners about management issues; in organized (information) meetings about Natura 2000; or when representative stakeholder organizations negotiate with the government about (expected) restrictions to their sector. Even when individuals or groups choose the official route of objections to government decisions, this does not always evolve into a real conflict. Professional stakeholder organizations are often experienced in negotiating their interests; it is part of the game.

In the Netherlands, some management plans are established in working groups, which consist of different stakeholders. This is also the case in France. Such groups are a good platform to recognize differences of opinion and negotiate to find a shared solution.

Conflicts

Conflicts have been described as: individuals disagree on a solution of a problem and the mutual trust between the parties is lost.

In chapter two several non- cooperative types of behaviour that may be expressed in a conflict are stated, such as lies or passive resistance. We have seen the following behaviour in conflicts:

- Sectors, or individuals are no longer on speaking terms / communication stop. Often one of the parties leaves the negotiations talks (examples in the Netherlands and Czech Republic)
- Sectors use the media to state their views and opinions(France)
- Conflicts brought into the political arena as stakeholders successfully lobby in parliament or regional governments (France, the Netherlands, Czech Republic)
- Individuals or sectors go to court (regarding plans and projects and site management e.g. in the Netherlands)
- Incentives are used to prevent stakeholders to fight against the requirements (France and the tax exemptions for landowners)
- New management techniques are invented (the Netherlands catching techniques for young mussels).

How conflicts evolve

In chapter two it is described how a conflict can evolve following different stages, starting with conflict acknowledgement, coalition forming, power struggle, compromise and decision. In reality they are not always so easy to distinguish, or conflicts do not follow this order.

Not always there is a clear phase of conflict acknowledgement between the parties. Conflicts on plans and projects often have a clearer conflict acknowledgement phase than management conflicts, as they are subject to official procedures. Objections raised during these official procedures can be a starting point of the conflict. If parties disagree and the matter is taken to court the resulting decisions are mostly not based on compromise and shared solutions. It ends with people no longer on speaking terms, or accepting the court decision.

In cases of conflict in this study, some went through the phase of power struggle. In the case of SPA site selection in the Czech Republic, which conflicted with the construction of a road, conflict acknowledgement and power struggle occurred, when it was suggested in a meeting that the road may had to be cancelled. A phase of negotiating followed, aimed at finding a compromise: construction of the road compatible with the SPA. This includes negotiating different alternatives.

In the case of France, a power struggle occurred during the process of the selection of the Natura 2000 sites, and resulted in coalition forming between the most important federations of landowners and users (Alphandèry & Fortier, 2001).

How do these conflicts get solved?

- The court makes a ruling regarding plans and projects: Sweden, Czech Republic, (the Netherlands?)
- Decisions are taken in the political arena : France, Czech Republic and the Netherlands.
- Conflicts end after a long process of negotiation resulting in compromise, innovation, shared solutions : France, the Netherlands
- Compensation money is paid: the Netherlands

In this chapter we have shown topics of conflicts that have occurred in the countries. Conflicts related to management issues and plans and projects have been described. In both categories, differences of opinions, disagreements and conflicts have occurred. In the next chapter, we deal with how organisations involved in Natura 2000 management try to avoid and manage conflicts.

5 Success factors to prevent and manage conflicts

5.1 Introduction

Although there is not one approach to conflict resolution and every conflict requires a unique approach, some overall lessons can be drawn from past experiences implementing both European directives. In paragraph 5.2 the measures which Member States have used are described. In paragraph 5.3 this is summarised in a listing of essential ingredients for conflict resolution and conflict management and illustrated with examples from the Natura 2000 sites in the countries studied. The examples deal as well with the prevention of differences of opinions, disagreements of conflicts described in chapter 4 as with real conflict management. It is clear, however, that measures taken to prevent a conflict can also be used when a conflict has started and has to be managed and vice versa. However, real conflict management focuses on the process of how to deal with a conflict in general (see some typical phases described in 2.3) and many handbooks and guidelines have been published in this field (see Annex 3 for a selection). So we present only information on this topic that seems to be typical for the implementation of the directives and that is strongly related to the management and multiple uses of the Natura 2000 sites.

Although the project was not aimed at presenting a guidance book for the prevention and management of conflicts, in chapter 5.3 some examples of best practices, also from the countries, are presented that can be seen as parts of a toolkit and can be used as such.
In the Task 2 report 'A review of 24 Best practice case studies' this is further elaborated.

So we present in this chapter information on the measures taken by the Member States to avoid and solve problems with and between involved stakeholders focusing on the following questions:

- What kind of solutions have the countries found to prevent conflicts?
- How are conflicts addressed, and was it successful?
- Does public and stakeholder participation help to prevent conflicts?

5.2 Members States experience

This study shows that measures taken by the Member States to avoid or solve problems and conflicts with stakeholders during the process of writing management plans and implementing the necessary management measures, are strongly related to available means and resources (money, knowledge, land) and the (organization of the) process itself. Sometimes means were said to be missing.

Available means and resources

1. Information to change the negative perception of Natura 2000
   - Strong emphasis on 'education', communication and information, explaining why the Natura 2000 network is important to specific groups of stakeholders or the general public (all countries);
   - In the Netherlands a small group of experts from the national and provincial government has been founded as a national focus group that helps to solve the more general problems by explaining how to deal with specific topics such as 'the favourable conservation status' in site management plans.

2. Options for landowners to incorporate the management measures in their activities by technical information or funding
   - giving multiple management options to discuss with the owners;
   - development of specific subsidies/ management schemes applicable for Natura 2000 areas. An example are some agri-environmental schemes in Slovenia.

3. Financial and legal instruments
   - In the Netherlands money is provided by the government to the provinces for writing the management plans (also in Czech Republic)
   - In the Czech republic money is provided by the government for buying land and rights in order to be able to solve some conflict situations (similar options exist also in the Netherlands);

- Financial incentives apart from compensation and subsidies are seldom used. In France (and the Netherlands) landowners can opt for a (voluntary) contract with the government regarding specific management activities that are not related to any production and that are mentioned in the management plan (DOCOB), resulting in tax exemption (Natura 2000 charter);
- A legal instrument that exists in some countries (e.g. the Netherlands) but that is seldom used is expropriation of landowners. If it is used, it is most times in cases where other solutions of a conflict seem to be useless. However, some European countries seem to use this instrument more often than others (see Kruk et al., 2009).

4. Solutions to decrease the administrative burden of the process of management planning
   - Making simple, not too comprehensive management plans (Sweden) or integration of the Natura 2000 management planning into the existing planning systems of (other) natural resources (Slovenia) (see also Van Apeldoorn et al., 2009).

Responsible administrations for Natura 2000 mentioned means and resources they needed, but were many times lacking:

- Economic incentives to offer during negotiations (Czech Republic);
- Communication skills to make clear what is and what is not negotiable, common interests to agree on (Czech Republic, Sweden);
- Land that can be used to exchange (Czech Republic); (exchange of land is difficult because the state land is inappropriate or the sectors that are in charge of them are reluctant)
- Staff to be able to approach the individual landowners (Czech Republic and Sweden);- in order to reach real involvement
- In all countries the lack or inadequate information to communicate with all stakeholders and the public or its late availability was mentioned.

Organization of the process

In most countries the need for more communication with and participation of stakeholders is mentioned and felt as a way to prevent disagreements and conflicts. Different countries have experienced that the top down approach used during the process of site selection and designation, is a cause for many conflicts (Van Apeldoorn et al., 2009, Alphandèry & Mortier, 2005).
However, it is shown and officials state that a participatory approach does not prevent always conflicts and conflict management cannot always take away the underlying causes of a conflict (see also 4.2.2). Officials need more tools to use in negotiations and to be able to address underlying conflicts. Such tools are economic incentives to offer or options for exchange of land (see above). Even as a last option when conflicts cannot be prevented, officials feel that they need more restrictive, top down instruments, especially in cases where management plans are not binding (e.g. Czech Republic).

Also experiences and attitudes of stakeholders play an important role to prevent problems and even conflicts. In Sweden officials state that conflicts are less if landowners are already familiar with nature conservation, for example on land that has already been protected. On Natura 2000 sites which were not protected before their designation more problems and conflicts are expected (the Czech Republic and Sweden). This is also supported by a study in Germany and France (Wendler & Jessel, 2004).)

Regarding the attitudes of stakeholders it is interesting to mention the topic of 'trust' that is in general well known as an important part of conflicts by the site managers, but that is seldom mentioned as something that can be managed. Also the instruments to build trust between stakeholders are seldom mentioned to be missing or needed. In the countries which were studied only in France the instrument of mediators or independent facilitators is used in a systematic way (not at a case by case level; see Annex 2).

Based on the experiences during the designation of sites in many European countries experiments started to increase the communication and information on Natura 2000 as is the case in the selected countries. In Sweden a communication strategy has been developed in order to educate officials responsible for Natura 2000 management planning. In the Czech Republic also experiments exist to increase the experience with communication. In Slovenia a public awareness campaign and a campaign targeting farmers has been organised.
In France the institute ATEN (L'Atelier Technique des Espaces Naturels) provides on behalf of the government training programmes on the Natura 2000 network and its management for people preparing and writing the management plans (administration, technical operators, site managers and members of the steering committee (COPIL)).

Furthermore in all countries databases with information on the sites, the protected species and habitats, their favourable conservation status and the necessary management measures are ready or in preparation and reachable for all stakeholders and the public (Van Apeldoorn et al., 2009; Kruk et al., 2009).

Apart from the information and communication process organized by the government and related organizations different economic sectors have taken initiatives in order to increase their own awareness and knowledge on the management of the Natura 2000 sites and their own responsibilities to prevent possible problems and conflicts.

Some of them have build their own knowledge network and/ or website, disseminating information, stimulating communication and discussions on the possible solutions for technical problems. Examples are the New Delta initiative of port agencies in Europe (www.newdelta.org) and the national network of recreation entrepreneurs in the Netherlands.
These initiatives are supported by the EC (DG Environment) providing the new communication tool for economic sectors that can be found on: www.natura2000exchange.eu (Sier et al., 2009). This tool provides also examples of good integrated management (multiple use) of Natura 2000 sites.

5.3 Building a toolkit: examples and experiences from the countries

To solve real conflicts one can focus on the process as well as on what the conflict is about (the content of a conflict). Regarding the process, conflicts can be solved by changing for example stakeholder representation and participation, relations and trust between stakeholders and decision making rules.

Regarding the content of the conflict, conflicts can be solved by changing for example:

- the context of a conflict as determined by law and regulations, funds; available incentives
- values attached to and views on nature and biodiversity;
- existing management practices by looking for new technologies and
- more alternative management options.

All these (structural, social and technical) changes can be necessary to solve a conflict involving stakeholders, creating new perspectives for the involved stakeholders and finding agreement (see chapter 2.3). All changes aim at getting commitment from involved parties to resolve the conflict (including sufficient political commitment).

Below the various elements of the toolkit derived from literature and the interviews in this study are further described:

Process related aspects of conflict management:

– Need for an **independent mediator** which is acknowledged by all parties(Suda et al 2005; Michelot & Chiffaut, 2005; see also box Natura 2000 site Verwall and report 2 on Best cases: 3.2 Champeigne -France).
In conflict situations often it is advised to involve an independent mediator. The main reason for this is related to parties which are not on speaking terms any more and do not have any trust in each other. Mediators are considered to be impartial and capable to listen to all arguments without being judgmental.

Involvement of an independent mediator in Natura 2000 site Verwall (Austria)

The nomination of the Verwall area as a Natura 2000 site led to a widespread concern amongst landowners and affected communities. The conflict escalated and the Provincial Legal officer suggested a mediation process carried out by an external party. As part of the preparatory activities the mediators contacted the mayors of the concerned communities, organized information events and undertook a first survey of all possible conflicts and selected the participants to be involved in the process.
All in all the mediation process comprised of seven negotiating meetings, many working group sessions over a period of two years (2001- 2002)

(Ohl et al, 2008)

– **Transparency** of rules of the game and of **decision making procedures** (Suda et al, 2005; Michelot & Chiffaut, 2005).
An important step in conflict management is to reach an agreement amongst the participants on common rules of how to proceed in the process and on decision making procedures.

– **Involvement and inclusion of all relevant stakeholders** and clarity on representation. For a negotiation process in order to be successful all relevant stakeholders should be involved. Often as it is not possible to

involve all individual stakeholders in all meetings, a system of representation is devised. However, many times this does not prevent the rise of a conflict. Even it can be the origin of a conflict if individual stakeholders do not feel they are represented at all. So it is important to include feedback opportunities for the representatives with the stakeholders they represent.

– **Flexibility** in the time period of reaching the management targets in order to enable landowners and other stakeholders to adjust their activities (see text box Time horizon and text box on the Wadden Sea).

Time horizon of reaching goals

On many sites a lot of the protected species and habitat types are influenced in a negative way by the deposition of nitrogen. Because of the relative small size of the sites in this country the sources of nitrogen are situated in many cases outside the sites and come from farming, traffic and industry.
Detailed studies at the provincial level show that the relative importance of farming in the deposition differs between parts of the country. For this reason agri -environmental contracts can be used to reduce the local contribution of nitrogen coming from farms and to reach the ecological goals of a site, where they are the main source. In other regions goals are discussed now to be changed or more time is needed to solve the problem of nitrogen coming from other sources.

– (Re)building of **trust** by ensuring an open and respectful atmosphere and possibilities for informal contact during field visits (Suda et al, 2005; see report 2 for Best cases: case 2.3, 3.4).

Organising a sequence of meetings and field visits

During the development of management plans in Poland a sequence of several meetings were organised combined with field trips were organised for all participants.
Besides enabling an exchange of information and discussion on what Natura 2000 was, an important aspect of the field visits was also to provide participants a change to meet each other in a different setting.

– Provision of **information** to all participants in the process and sharing of information by joint discussions. Make the access to relevant information as easy as possible for stakeholders for instance by local information meetings, door to door distribution of information and information in the local media. Also the setting up of (local or regional) information points can be considered.

Instruments and conflict management

Besides attention paid to the procedural and process side of conflict management also various instruments and resources are needed and have to be available for successful negotiations and to reach solutions and agreement between the involved parties in terms of:

– Availability of **(sufficient) funds** for the compensation of landowners and users (f.i. agri- environmental contracts; buying land or users rights or leasing land or rights) and for incentives. Also other instruments are important such as promotion of ecotourism and branding of products (see report 2 for Best cases: case 1.1, 3.2 and 3.3).

Incentives for landowners and users

As mentioned before (5.2) financial incentives to get stakeholders involved in site management and to prevent possible conflicts are rare.
In France tax exemption is an example of such an incentive. However, the experience in France illustrates that such incentives have to be offered within certain conditions. First they have to be attractive and to support stakeholders with substantial financial (or other) benefits (a mean of 3.60 euro/ha is not a strong incentive) and have to be acquired without heavy administrative duties (Esperet, 2009).

– Availability of other resources such as **staff time**
Most processes to solve conflicts are very time consuming, adequate provisions need to be made in order to ensure that staff is well equipped and can spend the time that is necessary.

– Availability of **legislative instruments** (Environmental impact assessments, easy procedures for licensing and permits).

Natura 2000 management and other planning instruments

In Slovenia prior to the approval of the review of the Municipal plan that describes the (potential) land use on the level of the municipality an Environmental Impact Assessment is undertaken in order to assess if any of the foreseen changes of use might conflict with the nature conservation or environmental goals of the area. Special attention is given to the Natura 2000 objectives. By undertaking this obligatory procedure it is avoided that Municipal plans in principle provide the option for plans and projects to be developed which can not be executed as they will not pass the appropriate assessment related to plans and project as stipulated in article 6.3 of the Habitats Directive.

– Easy and efficient administrative procedures for compensation payments as well as licensing.

– Development of innovative practices (new technologies, new management practices etc) (see report 2 for Best cases: case 3.2, 3.4,).

The Wadden Sea (Netherlands)– phasing out of current fishing techniques in order to have time to develop new techniques

In the Dutch Wadden Sea, after a long standing conflict with several court cases, an agreement was reached between nature organisations and united fishermen (federation of fishermen) on the use of the Wadden Sea as an area for catching mussel seed. Especially the existing technique for catching mussel seed, was considered causing too much damage to the ecosystem by nature conservationist organisations.
Part of the agreement was that the current technique to catch mussel seed using a 'boomkor' were allowed until 2020. The Federation of fishermen would invest in the mean time in the development of a new technique, which consists of catchment installations which are floating or suspended in the water and on which the young mussels will attach themselves, thus catching mussel seed without causing disturbance of the seabed.

6 Conclusions

The goal of task 1 was to assess the current situation on conflicts occurring on site level, based on a review of current practices, in terms of who is involved in using and managing the Natura 2000 sites, what conflicts and causes can be distinguished, how are stakeholders involved, and what can be learned about conflict management.

In this chapter conclusions are presented on emerging conflicts (6.1) and conflict management (6.2), based on the European review and the country studies regarding the multiple use issues of Natura 2000 sites.

6.1 Conclusions about conflicts

In the former chapters conflicts have been distinguished between conflicts related to management and plans and projects.

6.1.1 Conflicts on management

Are conflicts specific for countries? Many conflicts that were found in this study depend on differences between countries in the way they have implemented Natura 2000 or the context and history of nature conservation in a country in general. Nevertheless, in all countries conflicts were found with groups of organised landowners and site users such as forestry, agriculture or hunting. How these conflicts emerged and the type of conflict differs between the countries as this is often related to the unique history of these sectors in a country.
However, there are many similar topics of conflict that occur regardless of the country. Underlying emotions of not having been involved and informed correctly about Natura 2000 is a common cause of conflict that is shared among the different countries.

Countries have chosen different approaches and instruments to organize and to plan site management. In all countries management plans are used for a site or parts of it, however they are not obliged in all countries. Besides some countries integrate site objectives and management into other sectoral management plans and others do not. Also simple and more extensive and complex management plans have been found.

All these differences are important to the answers on the questions which and how many stakeholders to involve in the planning process of the management to build a broad social acceptance for the necessary management measures.
This social acceptance of management measures is also important because all countries have in common that they all use voluntary contracts with landowners and users to implement the necessary management measures.

It can be concluded that countries differ in the approaches to involve stakeholders. Consultation can be found and in many cases, however, real shared management policy making is rare (see 4.3). Besides in most countries stakeholder involvement started lately in the process of management planning and is organized in a case by case way and less in a systematic way as is the case in e.g. France.

Apart from the way the management planning process is organized originating differences between the countries in with whom and when conflicts have been emerged, many conflicts deal with the same issues and have the same cause.

- Topics of conflict:
  - objections to required changes in present day site management;
  - increased administrative and bureaucratic procedures;
  - feeling of incompatibility between economic interests and nature conservation in site management
  - legal arrangements are insufficient
  - no adequate compensation for loss of income
  - limited budgets and available financial instruments (e.g. financial incentives)
  - no (adequate) involvement of the landowner in planning the management
  - different perceptions and views on the meaning and value of nature (reflecting normative debates) and nature management (related to knowledge). Often farming and other site related management practices are debated on the grounds of ecological ineffectiveness (this reflects a need for more knowledge and information)

- Causes of conflict

  - private landowners feel their property rights have not been respected in the process of site designation and feel not respected during management planning and site management processes;
  - no or limited acknowledgement of local knowledge and expertise;
  - different time horizon for considering management issues between landowners/ land users and administrators/ politicians;
  - fears, e.g. for governmental restrictions to land use
  - lack of trust between stakeholders, particularly between (lower) government and private stakeholders
  - unbalance in knowledge and power between stakeholders
  - lower administration and state related organizations (e.g. boards of National parks) many times play a double role in processes. They have a problem which has to be solved and are in this way comparable with the other stakeholders; however they possess other powers to tackle the situation. In this situation of unequal positions and relations they many times like to operate in the role of a mediator what is not quite simple
  - several conflicts regarding the multiple use of a site resulted from late and/or bad communication during the processes of the selection of sites and planning the management. Often no or inadequate information is provided to private owners and site users and also managers of the sites and no or inadequate consultation takes place.
  - lack of knowledge and skills of all stakeholders to deal with conflicts
  - earlier also country specific reasons have been mentioned (see 4.4.1)

6.1.2 Conflicts about plans and projects

Many conflict situations found in the literature survey and country studies regarding the multiple use of Natura 2000 sites are related to a change in the use of Natura 2000 sites which is planned in the near future and the requirement to undertake an assessment on the effect of plans and projects (article 6.3). The need to undertake such an assessment clearly outlines the existing conflict and the need for all involved parties to find a solution. Furthermore as often big investments are at stake these cases generate much attention.

The collected information shows that also conflicts related to possible contra dictionary interests between the protection of habitat types and species and economic sectors (infrastructure, mining, building houses etc.) can be prevented or become less vehement if information and consultation start early in the process of stakeholder involvement.

Besides, many problems that can evolve into a conflict can be (partly) solved by providing guidelines about the administrative processes that have to be followed and how to understand the notions of the articles 6.3 and 6.4 of the Habitats Directives which are at stake.
Many of the conflicts related to projects and plans are based also on uncertainty of the entrepreneurs on how to deal with the directives and their requirements.

Although it can not be proven from the collected information, there is a feeling that real conflicts related to projects and plans seem to be relatively easier to solve. Possible reasons for this might be that in most cases the number of stakeholders that is involved is smaller compared to management conflicts (compare many private farmers, foresters, hunters and communities to one or two entrepreneurs or companies) and that they are better organized. As a result the negotiation process takes place with representatives of a few interest groups or companies. Also clear and well accepted decision making and legal procedures help to solve a conflict. Even in case of law suits judicial decisions can be questioned but are accepted by the parties in the end.

6.2 Participatory approaches, conflict management and smart solutions

Participatory approaches

- Several of the countries analysed show that a participatory approach of the management planning of the Natura 2000 sites can still be characterized as an informative process with some consultation. Procedures for formal consultation are in place in all analysed countries. However a joint planning process[10] is still more the exception than the rule.
- The complexity of a site (area, number of stakeholders, kind of multiple use, organisation level of stakeholders) influences the ability to undertake a good participatory process. The larger the number of stakeholders the more difficult it is to ensure everyone's involvement in the process of planning and support for the management plans and /or management measures. Several countries indicate that the staff resources required for undertaking a good participatory process in complex sites are present not available.

Can participatory approaches help to avoid conflicts?
Looking at successful cases at site level but also at country level the answer is yes. This is illustrated by France where at the end of the process of the selection and designation of sites after starting full participation of all involved economic stakeholders about the same number of hectares was protected as was intended before by the government. However, participatory processes are time consuming and require enough staff, enough resources and skills.

Participatory approaches can provide a forum to discuss differences of opinion and disagreements and thereby avoid that these evolve into conflicts. It also can help to build trust between stakeholders. Participatory approaches cannot always avoid the occurrence of conflicts. Even in cases of shared policymaking, disagreements may be such that the mutual trust can not be maintained. However, conflicts are not static. Conflicts evolve: they may pass a stage of power struggle and end with new searches for coalitions or compromise.

Conflict management solutions
Solutions to resolve disagreements and conflicts occurring in the field of Natura 2000 management are looked for in:

- Improved information and communication through various ways (local information meetings, door to door distribution of leaflets, local media, (local or regional) information points).
- Improved participation of a broad range of stakeholders(procedures for consultations, setting up of advisory groups)
- Developing and offering various management (planning) options and tools enabling landowners and land users to choose measures that might be compatible with their business
- Financial incentives and compensatory measures. Also other alternative sources of income like eco-tourism and branding are developed.

Although most literature advises the use of independent mediators in conflict situations this research showed that only in exceptional cases independent mediators are asked to resolve conflicts regarding Natura 2000 sites. Most agencies responsible for Natura 2000 management (planning) fulfil the role of mediator themselves. As a result they often have two tasks in the management process – that of stakeholders (they are often responsible for the development of the management plan or that management measures are taken) as well as facilitator, the person who is responsible for ensuring adequate participation and making sure that a solution is found between the parties.

Given the fact that most agencies chose to undertake conflict management and the process of involving stakeholders themselves , agencies need to invest in the training and personal development of their staff in order to ensure that the individual's charged with responsibilities for implementing Natura 2000 have the skills necessary to undertake this work.

10 In scientific literature this is referred to as co-decision or shared policy-making

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Annex 1 Overview of implementation in EU Member states

	Country	State of advancement	Geographic location	Different ways of organizing management	Responsible organization
		R= recently started *F = far advanced* *M= medium*	*Region*	*OD = overall document* *AS = all sites* *SS = some sites*	*PAA = Protected area administration* *LC = new authority/local committee* *RG = regional/local government* *NRS = (regional) service of national government* *(Kruk et al, 2009)*
1	Bulgaria	R	CEE	SS	NRS, not yet completely defined
2	Czech republic	M	CEE	SS (all SAC)	PAA, NRS
3	Estonia	M	CEE	AS	NRS
4	Hungary	R	CEE	SS	PAA
5	Lithuania	R	CEE	SS	PAA
6	Poland	M	CEE	AS	NRS
7	Romania	R	CEE	AS	PAA, NRS, RG
8	Slovakia	M	CEE	AS	PAA, NRS
9	Latvia	M	CEE	SS	NRS
10	Austria	M	NW-E	AS/SS	RS, PAA, ?
11	Belgium	R	NW-E	AS	NRS
12	Denmark	M	NW-E	AS	NRS
13	Finland	M	NW-E	SS	PAA, NRS
14	Germany	F	NW-E	AS/SS	PAA,RG
15	Ireland	M	NW-E	SS	PAA
16	Luxembourg	R	NW-E	SS	NRS
17	Netherlands	M	NW-E	AS	NRS, RG
18	Sweden	F	NW-E	AS	NRS
19	UK	F	NW-E	SS	NRS, PAA
20	Cyprus	M	SE	SS	NRS
21	France	F	SE	AS	LC
22	Greece	R	SE	AS	PAA, NRS
23	Italy	M	SE	OD/SS	PAA
24	Malta	M	SE	AS	NRS
25	Portugal	R	SE	OD /SS	NRS, PAA
26	Slovenia	M	SE	OD/SS	PAA, NRS
27	Spain	M	SE	AS/SS	PAA, RG

Annex 2 Country descriptions

- Sweden
- The Netherlands
- Slovenia
- Czech Republic
- France

Natura 2000 in Sweden

Country description for LOT 3 project

1. Current situation of Natura 2000 in Sweden

At present, the Natura 2000 network in Sweden consists of 531 SPAs and 3981 SCIs, including many overlaps. The total number of Natura 2000 sites in Sweden is 4071 sites[11] (respondent). The Commission adopted the list of SCIs in 2004 (Wramner 2005). There were substantial additions in 2006 - 2008 when a lot of marine areas and the last difficult sites were added (respondent)[12]. Designation of the sites under the Swedish Environmental Code, as SPAs and SACs, is partly realized. All sites under the Birds directive are designated as SPA. The designation of SCIs as SACs is in a starting phase (2009). It should take place between 2009-2010 and 2013.

A large responsibility for the implementation of Natura 2000 and management of the sites, lies with the 21 County Administrative Boards in Sweden (see figure[13]). At national level, the Swedish Environmental Protection Agency (SEPA) is, on behalf of the Ministry of Environment, responsible for the coordination of Natura 2000 in Sweden. SEPA develops national strategies for area protection, produces practical guides (o.a. for management) and assists the county administrative boards. The 21 regional government agencies are responsible for the regional implementation and management of the sites, including management plans for all sites. (*In Swedish they are called Natura 2000 conservation plans, in order to distinguish from management plans for Swedish protected site regimes*).

Currently (2009), the county administrative boards are preparing the Natura 2000 conservation plans. SEPA hires a consultant to review the plans. The Natura 2000 conservation plans will be the basis of proposals to the government to designate the sites as SACs.

2. Natura 2000: conservation objectives and land use

In Sweden, some 4000 sites have been listed as Natura 2000 sites (6.000.000 ha, 15% of Sweden area). Habitats represent the Alpine, boreal and continental region.

Table 1 Conservation Status

Conservation status	*Habitats (%)*	*Species (%)*
Favorable	30	46
Unfavorable/ inadequate	24	9
Unfavorable/ bad	42	42
Unknown	4	0.4
Not reported		3

Forest, grassland and dunes, have the largest percentages of bad conservation status (table 1; EC 2008). EC (2005) states that in the Boreal region[14], although the region retained most of its original species, the area covered by natural habitats is reduced and under pressure (p.10). Commercial forestry has had the greatest influence (ibid).

Land use and ownership

Respondents point out that a lot of the Natura 2000 sites are still privately owned.
An example: 1750 sites privately owned cover 261 539 ha; and 982 state owned sites cover 3 790 385 ha (data SEPA) (These data apply to sites that are state and privately owners; excluded are site with other owners, such as communities and church). There are a lot of private landowners; but the large areas (mostly in the Northern part of Sweden) are state owned. Some sites, for example mires, can have several hundreds of landowners (respondent). The Swedish government purchases land on a voluntary basis.
Approximately 60% of the Natura 2000 sites are already protected as National Parks and Nature Reserves, according to the Swedish protected areas system.

11 According to latest information provided by SEPA (respondent).
12 The list had to be supplemented in certain aspects. In 2009 the pSCIs left to do are additional sites for the species that new member states proposed (respondent).
13 Sweden Counties (flagspot.net)
14 This article includes the Boral region as a whole; not only Sweden.

Table 2 Land use in Sweden (Ministry of Agriculture, 2008, p.11)

Land use	*Per cent*
Agricultural land	8
Forest land	57
Built-up land	1
Wetland and natural grassland	17
Mountains	14

Source: Statistics Sweden; Land use in Sweden.

In table 2 the land cover is shown of the Natura 2000 sites, in table 3 the hectares of habitat types within Natura 2000 is shown.

Table 3 Total area for each habitat in the Natura 2000 network

HABCODE	Text	Total area (hectares) for each habitat in the Natura 2000-network
N01	Marine areas, Sea inlets	777,681
N02	Tidal rivers, Estuaries, Mud flats, Sand flats, Lagoons (including saltwork basins)	23,372
N03	Salt marshes, Salt pastures, Salt steppes	9,170
N04	Coastal sand dunes, Sand beaches, Machair	6,008
N05	Shingle, Sea cliffs, Islets	30,440
N06	Inland water bodies (Standing water, Running water)	949,353
N07	Bogs, Marshes, Water fringed vegetation, Fens	791,149
N08	Heath, Scrub, Maquis and Garrigue, Phygrana	789,601
N09	Dry grassland, Steppes	31,864
N10	Humid grassland, Mesophile grassland	35,466
N11	Alpine and sub-Alpine grassland	666,410
N12	Extensive cereal cultures (including Rotation cultures with regular fallowing)	5,189
N14	Improved grassland	6,985
N15	Other arable land	15,016
N16	Broad-leaved deciduous woodland	618,237
N17	Coniferous woodland	1,323,138
N18	Evergreen woodland	1,770
N19	Mixed woodland	206,870
N20	Artificial forest monoculture (e.g. Plantations of poplar or Exotic trees)	2,942
N21	Non-forest areas cultivated with woody plants (including Orchards, groves, Vineyards, Dehesas)	97
N22	Inland rocks, Screes, Sands, Permanent Snow and ice	159,471
N23	Other land (including Towns, Villages, Roads, Waste places, Mines, Industrial sites)	107,391
N24	Marine and coastal habitats (general)	3,183
N25	Grassland and scrub habitats (general)	210
N26	Woodland habitats (general)	34,559
N27	Agricultural habitats (general)	178

Forestry
51% of the Swedish forest area is owned by private, small scale forest owners (family forests). 24% is owned by private forest companies. 25% is owned by the state and other public organizations (www.skogsstyrelsen.se). "Of forest land, 1.9 million hectares are currently designated a Natura 2000 habitats" (Ministry of Agriculture 2008, p. 43), which is +- 8% of the total area of forest. These areas are 99% (in 2006) protected as nature reserves, national parks or nature conservation agreements (ibid). More than half of the Natura 2000 habitats in forests is located on productive forest land (ibid).

Farming (other than Forestry)
"Sweden has a small proportion of agricultural land in comparison to other Member States. Agricultural land is concentrated to the southern part of the country. In Skåne, the Swedish county most heavily dominated by agriculture, almost half of the land area is utilized by agriculture" (Ministry of Agriculture, 2008, p.11). Agricultural land use is arable land and pasture land. "About half of all agricultural land in Sweden is classed as Less Favorable Areas (LFA), of which a quarter is in the north, as mountainous regions. Production in the LFA is dominated by milk production; 64 per cent of the country's dairy cattle are found in the area" (Ministry of Agriculture 2008, p. 24/25). "Within the LFAs, there are 110.000 hectares of agricultural land designated as Natura 2000 areas, which corresponds to nearly 6% of the total acreage of Agricultural land in the LFAs" (ibid, p. 42).

Hunting
Traditionally, in Sweden landowners have hunting rights. Since 1985 a permit is necessary; with a permit, landowners and people who lease land right, have hunting rights. The Svenska Jägarförbundet has an official responsibility for wildlife management and conservation.

3. Organization of management

In Sweden, the preparation of a conservation plan is obligatory for all Natura 2000 sites. The plans are currently being drafted by the 21 county administrations (2009).

SEPA prepared guidance for the conservation measures required for each habitat and species type, mainly intended for the County Administrative Boards[15] (EC 2003, p. 100). It states that conservation measures should contain the following steps:

- A site based analysis (which habitat types/ species exist)
- Identifying possible negative impacts on the conservation status
- Determining the sufficiency of existing legal protection and management; and
- Ascertaining whether additional protection measures are required

The guidance of SEPA leaves the County Administrative Boards with considerable freedom in the selection of suitable management measures (EC 2003, p. 100).

Instruments for multiple land use
Natura 2000 is incorporated within the Swedish protected sites system, which provides the standards for the use of instruments that can be applied for multiple land use and management. 60% of the Natura sites are already protected as nature reserve or National Park. When considering the nature conservation measures during the management process, a county should wonder: is a formal protection of the site needed, and if yes, which one?

15 These are available on the SEPA website, one guidance for each habitat and species.

- In **nature reserves**, land owners can receive payment for the restrictions in ongoing land use as a result of the decision to protect the forest or other types of land. A land owner could also decide to sell the land to the state and be offered replacement. If Natura 2000 management will lead to restrictions in land use, a nature reserve is often established, because in that case the landowner can be compensated. For forestry, the state policy objective is to protect 400.000 hectares of forest land in which the forest owner is compensated by the state (Ministry of Agriculture 2008, p. 41)[16].
- **Biotope protection area**: a stronger protection as nature reserves, with similar conditions for compensation and no deviation from restrictions is possible[17]. This category is used only in smaller sites and seems less relevant for Natura 2000.
- Protection by nature conservation agreement: there is no statutory right to be compensated. In most cases a payment is granted to the land owners, which is significantly lower than in the above mentioned categories (Ministry of Agriculture 2008, p. 41). This category is mostly used in areas that need management such as mowing or grazing in order to conserve the habitat, for example used for small ponds, mires and grassland (Less Favorable Areas). In addition, these habitats are protected through licensing for activities.

Natura 2000 conservation plans

The Natura 2000 conservation plans are based on the Natura 2000 handbook prepared by SEPA (EC 2005, p. 9). According to SEPA guidelines, the Natura 2000 conservation plans should contain:

- the conservation objectives
- description of vulnerability of habitats and species in the site to threats
- measures needed to address those threats and to reach the objectives (such as management and protection)
- the conservation status of the site
- What monitoring is needed

In combination with National Parks, nature reserves and biotope protection areas, which have legally binding management plans, a site can have two plans: a Natura 2000 conservation plan and a management plan. The management plan addresses all interests in the area whereas the conservation plan focus on the Natura 2000 interest. Sweden chose to select small sites. In existing National Parks or nature reserves, only a small part of the area can be a Natura 2000 site. Several respondents state that the Natura 2000 conservation plans are not as comprehensive as the nature reserve management plans (only the relevant habitats of an area are addressed); also the official establishment of the plans is less comprehensive. Unprotected areas (no nature reserve, such as small ponds, mires and grassland) will have a Natura 2000 conservation plan only.

4. Policy styles – participatory processes in Natura 2000 selection and management

4.1. Site selection process

Initial selection of sites took place by the County Administrative Boards. All county boards were required to consult the culture, environment, agriculture and fisheries sector and municipalities, the national road administration, the national rail administration, the regional forestry institutions and landowners. In the first years of the site selection process (1995-1997), sites could be added on the list of Proposed Sites of Community Importance (pSCIs) when landowners agreed to it. It meant that landowners could veto the selection of their site.

As the process developed, it did not seem compatible with EU strategies to continue the veto possibility of land owners. It was of course preferred to find suitable sites where the land owners were in agreement with the protection. Often there would be more than one area to choose from. Only for the most valuable sites and areas with no other options, those with disagreeing land owners where selected (respondent). After ’97, the procedure was changed to:

- Counties contact the landowners and inform them about Natura 2000
- Counties give expectations of restrictions that the designation of their land as Natura 2000 site means for the landowner (in general, not in detail)
- Counties get the view of landowners. The landowner could write a statement, or the county officer could write an official note with the statements of the landowner, including his or hers (dis)agreement with the selection and the conditions under which the (dis)agreement is stated.
- Counties report back to SEPA, including notes with the landowners and other stakeholders views (such as: forestry agencies, municipalities, national road administration, railway administrations, local military authorities, etc.).

16 The total goal is 900.000 hectares, of which 500.000 hecatres is planned to be protected voluntarily without compensation.

17 Not to be mistaken for general biotope protection which covers for example tree avenues, stone walls and small wetlands in farmlands and has no compensation arrangement.

In reality, some but not all counties followed the above guidelines. In some counties, poor information was available the first years. In other counties, information was better. In general, not all landowners were informed sufficiently during the selection process, for example about expected management restrictions. In some counties, biologists informed landowners in a way that is perceived as arrogance, or, on the contrary, understated the possible consequences for the landowners. In that stage, it was not very clear to anyone (including the government officials) what Natura 2000 would mean in terms of restrictions. It was also not clear what the site selection means in terms of protected status of the land. The site could become a nature reserve, a biotope protection area etc. For landowners (respondents), this led to refusal of the selection of theirs sites (In the years that landowners could still veto).

4.2 Management planning

According the to SEPA guidelines, every Natura 2000 conservation plan needs to be processed with the landowner before it is finished. The idea is that the county administration prepare the Natura 2000 conservation plan, filling in the conservation objectives, threats and give several options for management measures. Next, the landowners opinions are asked and preferably a discussion about different management options can take place.

In practice, different counties use different approaches for making and discussing the management plans, varying from informing land owners (no discussions) to participatory approaches, meeting with landowners, in groups or individually. Informing means, according to respondents: a proposal is sent to landowners, who can react; no reaction is considered an approval.

Box 1. Management planning in Stockholm County

The management planning process in Stockholm County

Stockholm County currently has prepared approximately 200 Natura 2000 conservation plans out of 243. The County hired consultants who made most of the plans. A rough guess by the respondent is that 50% of the sites in Stockholm County are already protected sites (nature reserves) and 50% not. Some (of the new sites) were chosen, because there are ongoing discussions with the landowner to give the land a nature reserve status. The process of Natura 2000 management can be hooked on to these ongoing negotiations. Most of the sites in Stockholm County are forest land (Western Taiga). Another part is agriculture/ grazing land. 75% of the Natura 2000 areas in Stockholm County are big sites with 1 landowner; however, this represents only 5-10% of the sites.

The procedure of participation is that the county prepares the plans and then send them to the land owners for comments. According to the respondent, most landowners don't react. Maybe 10-15% have any contact after they receive the proposal. Of the contacts, most are about asking questions rather then about problems. The reasons of this limited response are, according to the respondent, twofold:

- If it is forestry area, the landowner could already know everything, because of ongoing processes of making a nature reserve.
- If it is (for example) agricultural practices that are not profitable to continue without government assistance, landowners are glad to be paid (agri environmental schemes)

Thus, in Stockholm County there have been little problems and mostly there is a good contact with landowners. The respondent emphasizes that the plans are being kept rather 'simple', only about the relevant features in the area, and serve in addition to existing more comprehensive management plans for nature reserves18

For new sites with no nature reserve history and management plan yet, a process of discussions needs to be started up with the landowners 'from zero'. The Natura 2000 conservation plans for those sites in Stockholm County have started to a very little extent, as it is a much more complicated process.

Of the 200 Natura 2000 conservation plans that are prepared, management and - preceding that - discussions with the landowners have not started yet. Resource problems, time and staff, are the biggest restraint. No real conflicts have occurred. (For some topics of discussion see section 5).

18 A complication lies in the fact that, for sites that are already a nature reserve, the new Natura 2000 conservation plans differ from the existing management plans. The latter will need to be revised eventually, which is a very comprehensive process that may take years per plan.

5. Changes that Natura 2000 brought

- Most (positive) changes have been mentioned by the nature conservation sector.
- Due to the EU Directives, protection has a stronger legal basis
- Objective-based protection
- For many of the habitats within the Natura 2000, the "terminology of those habitats differs substantially from the terms and
- the ground of designation that traditionally are used in Swedish nature conservation work (Ministry of Agriculture 2008, p. 42).
- 'Favorable conservation status' is new and now also used in Swedish system.
- Natura 2000 widened the scope of habitats that are protected in Sweden. It focused mainly on woodland; now also aquatic areas.
- Monitoring are now ongoing, earlier mostly surveillance

An administrative change is the obligation to make Natura 2000 conservation plans. The plans are a new experience for the counties. Making of the Natura 2000 conservation plans however, is a relatively little complicated process compared to nature reserve management plans. Counties find it difficult to establish conservation objectives. The guidelines from SEPA are that the management plans should include conservation objectives according to the definition of favourable conservation status.

Because in Sweden, Natura 2000 is incorporated in the Swedish protection system, many respondents state that Natura 2000 as such does not bring many changes to landowners and other stakeholders. It is the translation into the Swedish protected area system that can have effects on landowners, foresters, farmers, hunters etcetera. The main difference which is perceived by land owners is the new demand for a special Natura 2000-licence (art. 6.3) for activities that in a significant way could affect a Natura 2000 site (respondent).

6. Discussions, issues/objections and conflicts

For describing the discussion and conflict related to the implementation of Natura 2000 management a division has been made in two main categories being:

- difference of opinion/ disagreements or conflicts related to management of Natura 2000 habitats and species
- difference of opinion/ disagreements or conflicts related to the development of plans and project that might have a significant effect on Natura 2000 sites

Difference of opinion/ disagreements or conflicts related to management of Natura 2000 habitats and species (article 6.1)

- **Inadequate consultation procedures during selection phase has an influence later on**. In some counties, there was very poor information available the first years, in the phase of site selection (see section 4.1). Limited knowledge on implications of designation, for example in (management) restrictions in the stage of site selection led to later disagreements and possible conflicts. Most respondents identify this problem: land owners, hunters, nature organizations and government representatives. In the phase of management planning, issues might occur that should have been communicated during the selection phase. For example, landowners may want to switch habitats to include a different area. Landowners may even object to the selection of their site in the phase of management planning.
- **Limitation to development and production (Forestry)**. In Sweden, it is not possible to combine (sustainable) production forestry and nature conservation in protected forest areas. Forest management activities are allowed if they are a part of the reaching of the conservation objectives. Production activities, such as clearing, thinning, dehydration, are not allowed in the sites or neighbouring sites. The land should be completely taken out of production for reason of protection. Different conflicts arise from this: 1. economic loss. Landowners (respondents) emphasize that 100 hectares of forest taken from production, equals one job. In the north of Sweden saw mills have been closed because forest is taken out of production. This has as much to do with the government goal to protect 400 000 ha forest as Natura 2000. 2. individual conflicts with landowners who want to have a form of sustainable forestry or want to intensify forestry in specific areas (cut down and plant trees).
- **Views on nature conservation and management: conflict with landowners**. Some authorities have had a strong emphasis on purchase of land (no management), which results in a conflict in the case of individual landowners in Uppsala County (2 respondents), who believe that the landscape is based on the personal history of land use by each individual owner and therefore human management is needed to keep the qualities of the land. In this case, the result was that the land owners refused the selection of their site as Natura 2000 site (in the years that they could veto) and still are not on speaking terms. They want to continue extensive farming[19].

19 Uppsala county has had an emphasis on buying land; it can be different for other counties.

- **Conflicts with landowners** are often the result of a combination of factors, such as lack of information, uncertainty on conditions, disagreement on management, long delays in the Natura 2000-process, and communication by the authorities that is perceived as arrogance (for example because they precribe solutions). The total result is distrust and negative attitude by the landowners to all kinds of nature protection, including the fulfillment of the Natura 2000 process.
- **Hunters: hunting restrictions on species and (potentially) land.** Natura 2000 in general does not give a conflict, since hunters have a responsibility for wildlife management and conservation. Two sources of conflicts are recognized: 1. In case the nature conservation authorities take away land from an owner or prohibit hunting temporarily or permanently, this is a (potential) conflict. One county in Sweden has a hunting ban. 2. Under the Bird Directive, development goals for certain species have been set unrealistically high. Also some species are presumed to be threatened, which results in hunting restrictions, while the hunters feel that these species are abundant.
- **Public Access (fears; interference with sovereignty of landowner).** If a site is designated as a protected areas, landowners are afraid that there will be more visitors in their land, which might lead to destroyed fences or fire (example from Stockholm County).
- **Flexibility of the Natura 2000 system/ The wish to exchange areas on land.** Landowners may want to switch areas during the phase of management planning. It is not possible according to the EU Commission guidelines (at all). There is more flexibility in the Swedish nature reserves (changing boundaries, dispensations for activities). Landowners could perceive Natura 2000 as more rigid, although there is flexibility in management measures.

NB. Most disagreements and conflicts have more to do with the Swedish system of protected areas (such as nature reserves) than with Natura 2000 as such. Natura 2000 gives reasons for renewed discussions of these topics.

Difference of opinion/ disagreements or conflicts related to the development of plans and project that might have a significant effect on Natura 2000 sites (article 6.3)

Several (legal) conflicts have occurred in respect to plans and projects, for example infrastructural projects. Sometimes, plans and projects have been cancelled or delayed as plans and projects foreseen had a significant detrimental effect on Natura 2000 sites and species. Other times, the court rules that projects can continue with compensation of nature loss. The following examples have been given in the interviews:

- The construction of the Bothnia Link railway through the Ume River Delta in Sweden (Bird Directive area for migratory birds) in the north part of Sweden. The commission has allowed this construction, under the condition of compensatory measures.
- In the north part of Dalarna are several nature reserves and Natura 2000 sites, in high altitude virgin forest. Several alpine centers and ski resorts are located in the area. One project involves expanding a ski centre into a Natura 2000 area that was also protected as nature reserve. The court ruled it was no overriding public interest.
- Windmills. The Swedish government wants to increase wind power. There is a risk of increase of windmill parks within or very close to Natura 2000 sites[20].
- Ports; two examples: the port of Göteborg (see box 2). Another example is the city of Varberg, that wants to increase the port area, close to the Natura 2000 site Getteron (a breeding and resting of wetland birds).

20 There are several court cases, some has been agreed and others not (respondent).

Box 2. Port in Göteborg

Port expansion in the port area of Göteborg, Sweden (source: ESPO 2007)

The Torsviken area (SPA), owned by the Port of Göteborg and a future development area for the port, is one of the few conflict areas in Sweden between industry and Natura 2000. However, through an increase in dialogue with the stakeholders by the Port of Göteborg, the situation has changed to a potential common development project. Local green and ornithological groups have publicly confronted the Municipality of Göteborg and the port on the current disposal of dredged material on the site, and have put forward alternative future plans for the area.

It is an area of interest for expansion for the port of Göteborg and when it was simultaneously selected by the Swedish government as a Natura 2000 area, it was suggested that bringing in an independent facilitator could help to find a less confrontational way forward. This suggestion was supported by all stakeholders, providing that a suitable candidate could be accepted by all. The first year of the project was focused at establishing an open dialogue, trusted by all. The different parties were interested to move on, and took up this open debate relatively quickly. An agreement was found for borders for the Natura 2000 area. Parallel to this, the representative of the port invited the local groups to discuss and develop an ecological alternative to terminating and reforming the dumping area in the southern part of Torsviken.

Through a series of meetings, different alternatives were discussed in a constructive way. In the end a suitable compromise was reached by all parties. This solution was slightly more expensive for the port than what was originally intended. Currently there is a cooperative spirit prevailing in discussions regarding the future of Torsviken, where benefits can be seen in local industries involvement in the development of the area (ESPO 2007).

According to the Swedish legislation (The environmental code 4:8) and the Municipality's Comprehensive Plan, the Natura 2000 site's interest exceed the interest of other land use. The surrounding activities of the port have to be dealt with as they could affect the area negatively.

7. Conflict management: pros and cons

SEPA and stakeholders emphasize it is crucial that there will be better communication about Natura 2000 and nature conservation in general, since a large numer of conflicts relate to the poor communication in the selection phase.

Most of the conflicts that respondents mention are disagreements, differences of opinion that could lead to conflict. With respect to management, conflicts are more likely to occur between individuals and authorities, than with sectors or stakeholder organizations.

In general, when conflicts occur between authorities and individuals, the strategy is to deal with them in the conservation plan and conservation measures. The strategy is to avoid conflicts about management by giving multiple options to the land owners about management. If the establishment of a protected site leads to restrictions or loss of income, and it leads to conflicts, options are to exchange the land for another piece of land if possible. Other options are to compensate the landowners by making it a nature reserve or grant a (lesser) payment by a nature protection agreement. This may not always solve the underlying conflict (for example differences of opinion about combining forestry and nature conservation).

In general, it is felt by the respondents that involvement of landowners and stakeholders in planning the management, is necessary to gain public support in case of possible conflicts. Clearly, providing information in an early phase and some flexibility in applying the concept of Natura 2000 is therefore needed.

There are large differences between the counties that are responsible for management plans of Natura 2000. These differences occur not only in participation strategies, but also in strategies to nature conservation (for example a hunting ban in one county and not in another[21]; or an emphasis on buying land in one county and involving landowners in management in another). A big restraint in the Swedish case is lack of staff and finances for more participatory approaches to management planning.

Communication (Conflict management) ingredients that are mentioned by the respondents:

- Make clear what can and cannot be negotiated
- Look for things you can agree on

A program, 'Dialogue for Nature Conservation' is started in 2007 (SEPA 2007) in an effort to increase skills of employees to communicate about nature conservation.

21 This is partly due to the fact that SEPA have yet decided on guidelines on hunting in protected areas. Therefore the counties are left to choose themselves (respondent).

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Respondents

Mrs. H. Lindahl, Consultant to the Swedish Environmental Protection Agency (SEPA)
Mr. K. Hjelm, Swedish Society for Nature Conservation (SSNC) (Svenska Naturskyddsföreningen, SNF)
Mr. A. Klingstrom, Transportgruppen
Mr. A. Wetterin, Skoskgarna/LRF (forest owners organization)
Mr. H. Tibell and Dan Söderberg (private forest owners)
Mr. F. Widemo, Svenska Jägareförbundet (hunters federation)
Mr. M. Nordin, Stockholm County
Mrs. F. Sahlen, Lansstyrelsen Västra Götaland

Natura 2000 in the Netherlands

1. Current situation of Natura 2000 in the Netherlands

At present, the Natura 2000 network in the Netherlands consists of 79 SPAs and 141 SCIs, including many overlaps. The total number of Natura 2000 sites in the Netherlands is 162 sites (Ministry of ANF, 2006). The site selection process was finished in 2003, when the Commission adopted the list of SCIs for the Atlantic biogeographical region (Van Veen & Bouwma, 2007)[22]. Designation of the sites under the Nature Conservation Act 1998, as SPAs and SACs, is partly realized. The Dutch government has decided to formally designate the sites separately using a designation order. In 2008 and 2009 for 10 sites their designation order was published in the State Journal. With this publication their designation was officially stated, however, a formal procedure of public views has started now. For about 140 sites draft designation orders were published for public consultation. During 2009 and 2010 they will be made official in various stages.

After the publication of the (definite) designation order management plans have to be written under the lead of a governmental coordinator (which can be the Ministry of ANF, a province or the Ministry for Defence or for Transport, Public Works and Waterworks) who is responsible for reaching the site objectives and following the guidelines of the Ministry.
In 2009, both the 3 responsible Ministries as well as the regional governments started the preparation of the Natura 2000 management plans. A discussion ensued between the Ministry of ANF and the regional governments, the regional governments wanted first to complete the management planning prior to designation ('omkering'). The Ministry has given the provinces until the end of 2009 to undertake this process- as the Minister is still planning to designate the sites in 2010. At present (jan 2010) 71 draft management plans have been prepared. During the process of the development of the management plans 114 changes were proposed to the Minister for 49 sites.

2. Natura 2000: conservation objectives and land use

In the Netherlands, 162 sites have been listed as Natura 2000 sites (about 1,1 million hectares including 13% of the Netherlands). As the Netherlands have designated large inland waters as well as coastal areas the total land area that is designated is 316,000 hectares (9%)

Table 1 Conservation Status

Conservation status	Habitats (%)	Species (%)
Favourable	8	24
Unfavourable/ inadequate	55	33
Unfavourable/ bad	37	43
Unknown		6
Not reported	0	0

Grassland, heath land and scrubs, have the largest percentages of bad conservation status (EC, 2008).

Land use and ownership
The Netherlands has designated a high proportion of aquatic sites. The North Sea, estuaries and large lakes are owned by the state (Domeinen) and managed by the Ministry of Transport, Public Works and Water Management. In addition, the State Forest Service and private nature conservation NGOs (Natuurmonumenten en de Landschappen) manage large parts of these sites. The management of terrestrial Natura 2000 sites is the responsibility of a variety of owners and managers.
The State Forest Service, together with the private nature conservation mentioned own and manage approximately 50% of the total terrestrial Natura 2000 sites. The Ministry of Transport, Public Works and Water Management, the Ministry of Defence and a few drinkingwatercompanies "waterleidingbedrijven' manage approximately 6%, 4% and 2%, besides about 30% is managed by private owners.

Most of the designated Natura 2000 sites consist of inland wetlands and coastal areas. Of the terrestrial area almost 70 % is forest and semi-Natural areas. About 30 % of the Natura 2000 sites comprise land under agricultural cultivation (see table 2).

22 The list had to be supplemented in certain aspects. In 2009 the pSCIs left to do are additional sites for the species that new member states proposed (respondent).

Table 2. Land use of terrestrial Natura 2000 sites in the Netherlands (Bouwma et al, 2007)

Land use (based on Corine Landvover)	*Percentage*
Urban areas	3%
Arable land	4%
Permanent crops	0%
Pastures	19%
Heterogeneous agricultural landscapes	5%
Forest and semi natural areas	68%
Total	100%

3. Organization of management

In the Netherlands, the preparation of a management plan is obligatory for all Natura 2000 sites. The plans are currently being drafted by the 3 responsible Ministries (or their agencies) and the 12 provincial governments which have outsourced the writing of the plans for many sites to consultancies.
At the end of 2009 draft management plans were available for around 71 sites. The quality and content of the developed plans varies considerably. Also resulting from the development of the management plans several provinces have asked the Minister to reconsider the target setting for around 49 sites. The process of management planning is rather problematic as is also apparent from the letter sent by the prime minister of the Netherlands Mr, Balkende to the president of the European Commission Mr. Barbarosso.

Natura 2000 management plans

The Ministry of Agriculture, Nature and Food Quality has prepared a guideline for the drafting and development of management plans.

According to this guideline, the Natura 2000 conservation plans should contain:

- A short description of the Natura 2000 sites (values to be protected, geographical location, administration, ownership
  situation, conservation status)
- Current land use in and around the site (nature conservation, agricultural use, industry, fishing, recreation etc)
- Relationship with other plans and regulations
- Management vision for the Natura 2000 sites (how to realize favourable conservation status, ecological requirements, conflict with existing use)
- Management measures
- Monitoring
- Financial requirements
- Available legal instruments and incentives
- Communication, education in the area (advisable – not obligatory)

The management plan is legally binding for lower government (provinces and municipalities) and their agencies, but not for the public such as private landowners and site users.

4. Policy styles – participatory processes in Natura 2000 selection and management

Site selection process
Initial selection of sites took place by the Ministry of Agriculture, Nature and Food Quality.
In The Netherlands, the selection of sites, approval and site designation was a complicated process. Designating sites under the Birds Directive was problematic in terms of meeting deadlines and including a sufficient number of sites. Between 1979 and 1990, the Dutch government designated 30 sites, and it took several warnings from the EC before 24 new sites were added. Finally, in 1998; after intervention from the European Court of Justice (ECJ) another 49 sites were designated (Neven et al., 2005). In 2000 the official designation of the sites under the Birds Directive was agreed. As the process was organized without much involvement of stakeholders this caused a great deal of opposition, especially from water sports enthusiasts.

Learning from the experiences during the process of designation of the sites under the Birds Directive, in 2003 a consultation process for the Habitats Directive was organized, prior to sending the site proposals to Brussels. During this process, nature conservation organizations, representative of stakeholder organizations, provinces and municipalities were informed of the designation and offered the chance to state their views. Around 1000 opinions were expressed, and as a result changes to the boundaries of sites were incorporated (Tweede Kamer (2002-2003) Dossier 28600 XIV nr. 128, 22-4-2003)

Management planning

Three Ministries (Ministry of ANF, Ministry of Transport, Public Works and Waterworks, Ministry of Defence) and 12 regional governments are responsible for the process of preparing the management plans. The Ministry of ANF has delegated its responsibility regarding the writing of the plans to the Government Service for Land and Water Management (DLG).

There is no obligation to make the management plans available for public consultation. In the process of developing management plans, owners, users other interested parties, water management boards, municipalities and provinces need to be involved but there are no binding procedures regarding how this involvement needs to be organized.
The responsible authorities use different approaches for making and discussing the management plans, varying from informing land owners (no discussions) to participatory approaches, working groups, meeting with landowners, in groups or individually.

5. Changes that Natura 2000 brought

Negative attitude towards nature conservation

Inadequate information and consultation resulted in a strong reluctance from various organised stakeholders against the new directives and the adjusted Dutch Nature Conservation law. Regarding projects and plans several licence procedure including the appropriate assessment resulted into law suits. Sometimes plans or projects were delayed or cancelled, however in most cases this did not occur. Nevertheless the increased media attention for the projects and plans were problems occurred have created according to several nature conservation organisations a somewhat negative attitude to Natura 2000 and nature conservation in general.

Increased exchange of information on good practices

Due to the various law suits several economic sectors became aware of the Natura 2000 network and started their own discussions on how to deal with the directives. Some of them build their own information networks, websites and started working groups even at the European level.
I several cases due to law suits or a more proactive way of decision making a search started for good alternatives or innovative activities.

Obligatory management planning for sites

An administrative change is the obligation to write management plans for Natura 2000 sites – prior to Natura 2000 parts of Natura 2000 areas were subject to management planning but this was depending on the ownership of the site. Several Natura 2000 sites are owned by different organisations that now jointly are involved in the process of management planning.
Regarding the management of the sites, for many sites discussions started about the site objectives and the necessary management measures during the process of the preparation of the management plans. As a benefit of these discussions site managers and other regional stakeholders could decide on important and sometimes expensive management measures (e.g. related to water management).
As a disadvantage it has to be mentioned that for some sites the ecological goals will be discussed again at the national level with the Ministry of ANF.

6. Discussions, issues/objections and conflicts

For describing the discussion and conflict related to the implementation of Natura 2000 management a division has been made in two main categories being:

- difference of opinion/ disagreements or conflicts related to management of Natura 2000 habitats and species
- difference of opinion/ disagreements or conflicts related to the development of plans and project that might have a significant effect on Natura 2000 sites

Difference of opinion/ disagreements or conflicts related to management of Natura 2000 habitats and species

Inadequate consultation procedures during selection phase

As local stakeholders were not informed or involved in the site selection and designation process some of them are now skeptical regarding the involvement and influence they will have in the phase of management planning (Province of Drenthe, 2007, VNO-NCW).

Various respondents indicate that Natura 2000 will restrict the use of their properties and consider this as a violation of their property rights (ANF, 2007).

Also several stakeholders feel that the process of development of management plans has a rather narrow focus on nature conservation and is running parallel with several other more integrative regional planning processes (ILG, EHS). This has in several areas resulted in frictions with existing working groups and commissions (pers. Med F. Evers)

Limitation to development and production (agriculture and fishery)

In the Netherlands there is a long history of conflict between nature conservation and intensive agricultural use. The main issues are the high nutrient deposition in the Netherlands (30 % of the Natura 2000 areas) and changes in water management of sites and their surrounding areas (18 %). In one region in the Netherlands (Overijssel) the conflict escalated in September 2009 - the LTO (Farmers Union) refused to participate in any talks regarding the management plans of Natura 2000. Only in January 2010 they rejoined the discussion after their concerns were addressed.

N-deposition

The discussion in the Netherlands regarding N-deposition is focusing on reducing N-deposition by three means being;

- re-allocation of farms, specific areas have been designated were farms can be reallocated in order to reduce the N-deposition on nearby located nature conservation areas
- reduction of N-emission from farms by different farming techniques (air filters, manure injectors etc.)
- restriction of increase of livestock by a system of licensing. In practice this leads to restriction to the development of larger farms

In the context of Natura 2000 this discussion has intensified. In the framework of the development of a management plan for the Natura 2000 site the Peel an agreement is currently developed by between the State Forest Service, the province and farmers in order to reach an agreement on reaching acceptable deposition level from the view point of nature conservation as well as farming development.

Due to the designation of the Wadden Sea as a Natura 2000 site restrictions have been placed on cockle fisheries (total ban) and mussel seed fisheries (phasing out).

Hot debates and law suits have resulted on an agreement between the economic sector and nature conservation to continue (limited) mussel seed fisheries and to develop new fishing techniques.

Water management

In several Natura 2000 sites low water tables cause a considerable threat to the favourable conservation of species and habitats protected under the HB- directive (18 % of the areas). As a result the Ministry of ANF and regional governments together with the Water Boards are actively planning to heighten the water tables. However this has considerable impact on the productivity of arable land and grasslands. As a result in several Natura 2000- areas conflicts started regarding the water tables required by farmers for their farming management and the requirements for nature conservation.

Decisions on water management are the responsibilities of the Dutch Water Boards and the Natura 2000 management plans can not specify binding obligations in this field. The Water boards have their own plans and procedures in place to decide on the required water management of specific areas.

Discourses on nature conservation

Long lasting controversies between nature conservation and economic sectors (e.g. agriculture) resulting into a strong spatial segregation of human activities and different visions about nature management (e.g. compare the vision of 'pure nature and no human involvement' and the vision of more 'integrated management' of sites) are illustrated by a conservation policy strongly based on the purchase of land by the government that is managed by state related and private management organizations. Although, often the involved farmers are not willing to sell their land as they want to continue their business, still the government (Provinces and the Ministry ANF) pursuits to buy private properties. Nevertheless, at regional and site level, initiatives are taken and good examples of integrated management can be found as can new ways of financing these initiatives by regional funds.

Difference of opinion/ disagreements or conflicts related to the development of plans and project that might have a significant effect on Natura 2000 sites

Several legal conflicts have occurred regarding plans and projects both on the national level as well on provincial level , amongst which are note worthy

- The cancelling of a national plan to construct a new highway near the Natura 2000 site Naardermeer
- The extension of the port of Rotterdam (Tweede Maasvlakte)
- Gas exploitation in the Waddensea area

Also the regional organisations of VNO-NCW with MKB (the representative organisation for private medium and small companies) wrote a letter to all municipalities expressing their worries that in the process of management planning the socio-economic effects of the designation were not fully considered which might result in obstacles for small and medium businesses in the future (VNO-NCW/ MKB Midden, July 2009).

7. Conflict management: pros and cons

Several stakeholders as well as government officials have underlined the need to increase communication on Natura 2000 with all parties involved.
There are large differences between the provinces on the conflicts that occur on site level – and how the process of management planning is organised.

One of the ways that conflict situations are addressed in the Netherlands is by choosing a longer time horizon to reach the goals as defined in the designation order and management plans in order to enable landowners and business time to make the required changes in land use (Peelvennen, Wadden Sea area).
Also the policy of land acquisition that is part of the Dutch nature conservation tradition is used to alleviate the most difficult conflict situations

Furthermore several technical innovative solutions have been found or are under development (f.i air cleaners for intensive livestock farming, new fishing techniques).

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1. Current situation of Natura 2000 in Slovenia

At present, the Natura 2000 network in Slovenia consists of 26 SPA's and 260 SCIs, The total number of Natura 2000 sites in Slovenia is 286 sites (Bibic, 2007). The Natura 2000 network in Slovenia is encompassing almost 36 % of the territory. The EC has reviewed the proposal for the Natura 2000 network from Slovenia and has requested that a few additions are made.
This will lead to the selection of a few additional sites and additions of species and habitats to be protected in already identified sites.

2. Natura 2000: conservation objectives and land use

No data are available to estimate which part of the Natura 2000 sites are state owned versus privately owned. Respondents point out that the majority of the sites are privately owned.

The majority of the Natura 2000 sites consist of forested areas (70 % of the sites), 5 % of the areas is above the tree-line. Twenty eight percent of the Natura 2000 network are already designated as protected areas, an additional 10 % are planned for designation until 2012.

Slovenia has, compared to other member states of the EU, designated a large number of caves. The conservation status of 44 % of the habitats and 20 % of the species is considered favourable. The conservation status of 20 % of the habitats and 10 % of the species is considered unfavourable/bad (see figure 1)

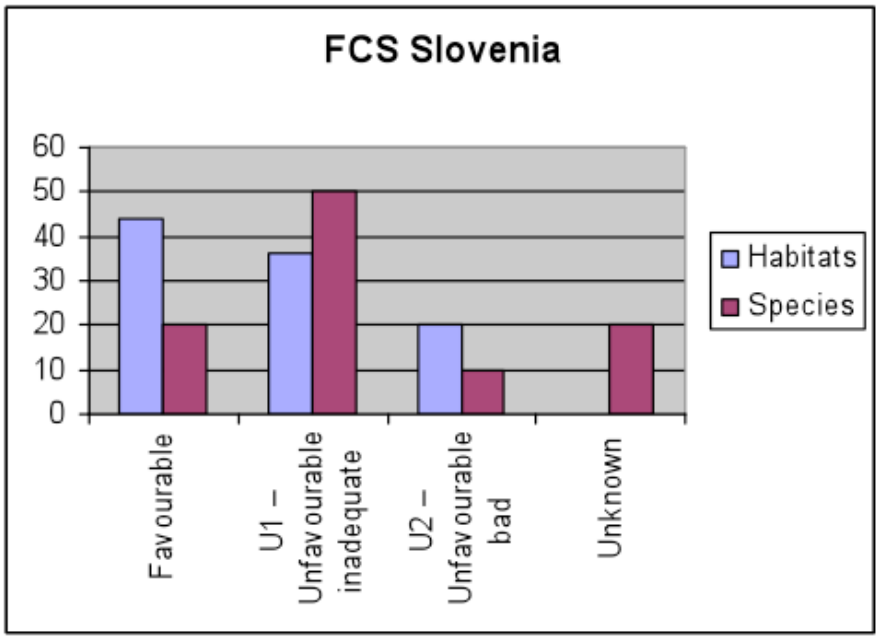

Figure 1 Source; EC, 2008. Article 17 report

In the article 17 report prepared by the Slovenian government it is indicated that the major pressures are due to agriculture and forestry, urbanization and industrialization and human induced changes in wetlands and marine environment.

Forestry
71 % of forests in Slovenia are privately owned[23], 29 % of forests are public (owned by state or communes). Private forest estates are often small with an average size of 3 ha. According to the latest data there are 314.000 private forest owners in Slovenia (Slovenia Forest Service, 2005). The majority of the Natura 2000 sites consist of forested areas (70 % of the sites) (Bibic, 2007).

Agriculture

23 The Slovene Association of forest owners and claimants of hunting rights gives an estimation of 80 % in 2006.

Overall agriculture is Slovenia is extensive. Only 27 % of the Slovenian territory is not considered as 'less favourable area' were possibilities for more intensive farming exists– but even in these areas the average land parcel size is small and no large monocultures exists. This area is mostly allocated in the eastern part of Slovenia. In Slovenia there are about 10-12 agricultural farms that have a size of 500 ha. The average size of farms is around 6 ha and most farms are not specialised. There are around 60.000 farmers in Slovenia– it is estimated that aprox. 20.000 farmers have land allocated in Natura 2000 sites. For more info on Slovenian Agriculture see Ministry of Agriculture, Forestry and Food , 2007.

Hunting
Hunting rights is Slovenia are state owned and given in concessions to hunting clubs. The plans regulating game management are developed by the Ministry of Agriculture, Forestry and Food. The Slovene Association of Forest Owners and Claimants of Hunting Rights have been lobbying since the last 15 years to reclaim the hunting rights to their land.

General remarks
Due to the communistic period in which no private property rights existed private landowners, although most rights have been returned since 1991, are still apprehensive regarding the way the state is respecting their property rights. Often they feel that the State still holds on to the old mentality that 'all land is ours'. The process of Natura 2000 designation has reinforced this feeling.

3. Organization of management

The Government of the Republic of Slovenia has developed an operational program 'Natura 2000 site management program' (Bibic, 2007). The development of operational programs is regulated in the 'Environmental Protection Act '.

The program outlines for each of the Natura 2000 areas the protection objectives for the habitat of species and the measures required to achieve these objectives.
It also outlines the competent sectors and responsible implementers for the protection measures.

Measures can consist of the following:

- Nature protection measures
- Measures regarding the modified use of Natural resources
- Measures regarding modified agricultural practices
- Measures related to water management
- Other measures required to ensure the favourable conservation status of species and habitats

The program further specifies that the measures need to be incorporated in the existing sector plans for water management, forestry, hunting and wild game and fishery. The program contains an detailed timetable indicating when the sector plans for the various regions need to be adopted. Also the measures which need to be incorporated in the agricultural measures in the Rural Development Program are outlined in the program.

The Operational program indicates that the responsibilities for the management of the areas are divided between various Ministries and public institutes being;

- **Ministry of Environment and Spatial Planning**
  1. Nature Conservation Division, responsible for the overall implementation of the Operational Program. Protected Areas Administration responsible for the management of Triglav National Park and the various regional and landscape Parks and Nature Reserves operate under the responsibility of this Ministry.
  Natura 2000 measures need to be incorporated in a total of 9 protected area management plans for existing protected areas and 5 plans for new protected areas need to be developed .
  2. Department of Waters. Development of water-management programs and detailed water management plans as specified by the Water framework directive. Natura 2000 measures need to be incorporated in the first phase in 2 water management plans.

- **Ministry of Agriculture, Forestry and Food** has the overall responsible for implementation of Natura 2000 management measures in the agricultural and forestry sector. They have the overall responsibility for the execution of the Rural development Program that regulates the financing mechanisms for agriculture. Modified agricultural

practice are required in 59 Natura 2000 sites.
Three specific agencies are currently responsible for plans that outline management measures in forests and hunting and agriculture:
1. Forest Service, department of Forest Management Planning: Development of forest management plans. Natura 2000 measures need to be incorporated in 156 forestry unit plans and 59 regional plans (GGO).
2. Forest Service, Department of Forest Wildlife and Hunting: development of hunting plans. Natura 2000 measures need to be incorporated in 9 sectoral plans for hunting
3. Chamber for Agriculture and Forestry of Slovenia : consultation of private landowners on agri-environmental schemes

- **Fisheries Research Institute:** development of plans on fisheries management. Until 2009 these plans were developed by the fishing clubs that held the concessions for the area and approved by the Slovenian Government. From 2010 the Fisheries Research Institute will take the lead on the development of these plans. Natura 2000 measures need to be incorporated in the 26 plans (envisaged)

- **Institute of Nature Conservation**. The Institute has a central role in gathering data on biodiversity in Slovenia and has supported the Ministry during the designation phase of Natura 2000. It also advises the Ministry of Environment and Spatial Planning on management measures for Natura 2000 species and habitats, undertakes several LIFE projects on Natura 2000 and communication projects on Natura 2000

4. Policy styles –participatory processes in Natura 2000 selection and management

4.1 Site selection process

Initial selection of sites was undertaken by the Ministry of Environment and Spatial Planning in consultation with the Institute of Nature Conservation as well as some NGO's especially the Slovenian Birdlife partner DOPPS. The Forest Service was consulted on the designation of sites for specific habitat types.
The pSCI were notified to the EC in 2004. In the process of site selection local stakeholders (e.g. private landowners, municipalities, fishing clubs) were not involved or consulted.
Respondents of the Slovenian Association of Forest Owners and Claimants to Hunting Rights consider this lack of involvement in the process of identification and designation of the sites as a breach of their property rights.

4.2 Management planning

As various planning instruments regulated the use of Natural resources in Slovenia also the practices how to involve stakeholders in this processes vary.
During the development of the Operational Program the following procedure was followed experts proposed the measures required to ensure favourable conservation status for the species and habitats. Stakeholders were then consulted if the proposed management measures were:

1) possible to implement
2) are the measures clear enough / can stakeholders understand what the measure entails
3) executable given the circumstances (not to ambitious- preconditions required available)

The consultation on the measures incorporated in the Operational program was mainly undertaken with representatives organization of various stakeholders but not with private owners themselves (Forestry Service, Ministry of Agriculture, Forestry and Food, Chamber of Agriculture and Forestry, Institute of Nature Conservation, Slovenian Birdlife association).
The main role of representative organizations of stakeholders was to advise on the three above mentioned aspects. Consultation with private landowners on the measures only occurs in the stage that the plans regulating the use of Natural resources for the specific areas are drafted (forestry plans, hunting plans, management plans).
Below the consultation procedures with stakeholders in the various plans regulating management of Natura 2000 sites are described:

Forest management plans

Slovenia has an extensive system of forestry planning of both state as well as private forests. Forest management plans, elaborated for a period of10 years, describe the state of the forests and their development trends and set the goals for management. Next to the long term planning silvicultural plans are developed which outline the activities in the forest, one tenth of them are updated each year. Both forest management plans as silvicultural plans are developed by the Forest Service.
There is a procedure in place for consulting private forest owners on the forest management plans, the plans are made available

through internet and there is a 14 day consultation period. During this period a workshop is organised in which the plans are presented and forest owners can provide suggestions and remarks. Often discussions are related to allowable cut, required protective measures, silvicultural measures, area were roads require improvement.
The regional units organize and facilitate these public meetings, the meetings are announced on internet and often private landowners are also actively approached and informed on the meetings. All comments made and written views provided in the meeting and during the consultation period need to be reviewed by the Council of the regional unit of the Slovenian Forest service in one of their regular meetings. The minutes of this Council meeting are public available so people can see which comments are included and which not – the decision on which comments to include lies with the Forest department and the Minister.
Despite this consultation procedure respondents of the Slovene Association of Forest Owners and Claimants of Hunting rights would like to have a more influence on the development of these plans. They consider the current process as rather consultative and they would like to have a bigger say during the development of forest management plans. They often feel that the remarks or comments made during the consultation period are not taken into consideration and have an overall feeling that their knowledge regarding forests management and their efforts in sustainable management of the forest are not acknowledged.

Hunting plans
No interviews with the department of Forest Wildlife and Hunting or with the Slovenian Hunting organisations could be scheduled during the visit so there is no detailed information on the process of involvement of hunters in the development of plans. However the respondent of the Ministry of Environment as well as a information found on the internet indicate that Slovenian hunters are actively supporting Natura 2000 and underline the importance of sustainable use of wildlife (Zerjav, no date)

Fishery plans
Due to a change in the procedure to develop the fishing plans in 2010, it is not clear how the 64 fishing clubs that are holding the concessions for the respective fishing areas will be involved in the management planning. Approx. 10 % of the fishing area is directly managed by the state. In the past the plans were developed/drafted by the fishing clubs themselves and then approved by the state- the plans for the fishing areas (for a period of 5 year plan) will now be developed by the Fisheries Institute after which a consultation process is undertaken with the fishing clubs and local governments and then the plan is approved by the Ministry of Agrciulture, Forestry and Food responsible for the respective fishing units. There are no experiences yet regarding how this consultation will work in the practice.

Rural development program/agri-environmental schemes
Management in the field of agriculture is arranged by contractual means as part of Regional Development Plans. The rural development plan has been developed by the Ministry of Agriculture, Forestry and Food in consultation with the Chamber of Agriculture and Forestry of Slovenia. As the development of the Operational Program and the RDP coincided consultation between the 2 ministries ensued on the type of management measures required in Natura 2000.

The 4 specific submeasures incorporated in the Rural development Program for Natura 2000 species and habitats were suggested by the Ministry of Environment and the Slovenian Birdlife association being

HAB Preservation of special grassland habitats
MET Preservation of grassland habitats of butterflies
VTR Bird conservation in humid extensive meadows in Natura 2000 sites
STE Preservation of litter meadows

All other (horizontal) measures were suggested by the Ministry of Agriculture, although many of them are not specifically targeted at maintaining Natura 2000 habitats and species many will directly or indirectly contribute to reaching Natura 2000 goals (maintaining extensive grasslands, avoiding land abandonment on steep slopes, animal husbandry in central areas of appearance of large carnivores).

The Chamber of Agriculture and Forestry of Slovenia has as a main role to review the measures proposed in the RDP given the fact that their organisation has 2 main tasks:

- they are representatives of private farmers
- they are undertaking the extension service to farmers advising them on as well provide advice on the available subsidy schemes.

In general the consultation on measures incorporated in the RPD are undertaken through representative organizations and not discussed with private farmers. As a result measures are not tailor made for specific situations (a specific set of measures is developed which farmers can apply for or not)

6. Discussion, issues/objections and conflicts

Current process of dealing with objections and conflicts

The Ministry of Environment and Spatial Planning usually is approached in case of questions or conflict situations.
The previous government including the Minister of Environment regularly visited all communes (2 -3 day visits) in order to be informed regarding issues playing at the level of communes – this was a very effective way of handling disagreements on Natura 2000– often even before they escalated into real conflict situations. The Minister would inform the staff of the Ministry regarding his visits and possible conflict situations or miscommunication– then the staff would review the issues and try to resolve the issue. Unfortunately the current government does not undertake these visits anymore.
Now the complaints are addressed directly to the Ministry, reach the Ministry through the media or through parliament.
All conflicts on Natura 2000 are resolved by the staff of the Ministry of environment (depending on the type of issue by different departments) or by the Minister himself – so without external assistance.
The Institute of Nature Conservation is responsible for on the ground communication on Natura 2000 and on preliminary assessments on the effects of developments on Natura 2000 as well as technical advice on Natura 2000 sites identification and designation. Communicating Natura 2000 to farmers was jointly done by Institute of Nature Conservation and The Chamber of agriculture and Forestry of Slovenia in years 2005 - 2007.

Topics for discussions and conflicts

For describing the discussion and conflict related to the implementation of Natura 2000 management a division has been made in two main categories being:

- difference of opinion/ disagreements or conflicts related to management of Natura 2000 habitats and species (article 6.1):
- difference of opinion/ disagreements or conflicts related to the development of plans and project that might have a significant effect on Natura 2000 sites (article 6.3)

Difference of opinion/disagreements or conflicts related to management of Natura 2000 habitats and species (article 6.1):

- During the development of the Operational Program intensive discussions were held between the MoE, nature conservation NGO's and Forest Service regarding the required management practices for forests. As in general the management of Slovenian forests is already sustainable (no clear cutting, 99, 5 % of the forests is Natural regeneration) discussing focused on amount of dead wood required, amount of standing wood and the time period in which activities are allowed. In the end Natura 2000 did not result in any major changes to the already existing management regulations of the Forest Service used for the drafting of plans.
- The Forest Service as well as private forest owners indicate that they expect most problems are not so much related to actual forest management as more related to administrative procedures required now in order to arrange permits for development of forest roads and undertaking of other management activities in the forests.
- Private forest owners do indicate that at present they are not clearly informed or aware of the required management measures specifically needed for Natura 2000. A general complaint is that due their lack of involvement and/ or limited influence on the development of the forest plans they feel that their ownership rights are often not respected or acknowledged.
- In general agriculture in Slovenia is rather extensive, therefore nature conservation objections in many areas are in line with agricultural management practices– only a in a few areas the Ministry of Agriculture, the Ministry of environment and the Chamber of Agriculture see potential conflicts between the development of agriculture and nature conservation. General uptake of agri-environmental schemes is high around 30 to 35 % of the farmers are partaking. Main bottlenecks are related to process aspects of implementation being;
  - information provision to private landowners. Private farmers are informed of the management requirements or restrictions but as they are not involved in the process from the beginning they often are not informed on the aim and objectives of certain measures. The Ministry has tried to remedy this situation by an active information campaign on the RDP. Nevertheless many farmers feel restrictions are imposed (take it or leave it) and they have little influence over / say in the developed agri-environmental schemes.
  - for small farms the agri-environmental schemes are not interesting as the administrative burden is to high compared to the financial gain
  - private owners indicate that the current system requires that the agri-environmental schemes apply to the entire farm. For farmers this requirement is reducing management flexibility.

- the respondent of the Ministry of environment indicated that no conflicts exist with the hunting and fishery community, they are generally very supportive of Natura 2000. The representative of Slovenia Ribiska Zveza Slovenije does not yet foresee major problems but also acknowledge that implementation is just starting.

Difference of opinion/ disagreements or conflicts related to the development of plans and project that might (article 6.3)

- The representative of the MOE indicted that until now most conflict situation have occurred with majors of various municipalities in respect to plans and projects on industrial or energy developments. Partly this is based on the miscomprehension that Natura 2000 severely restricts all developments but also partly based on the experience gained in municipalities were plans and project have been cancelled or delayed as plans and projects foreseen had a significant detrimental effect on Natura 2000 sites and species. Well known cases are related to the energy developments in:
  1) development of windmill park in Volovja reber
  2) the development of a solar panel installation in the Karts region (name of the area?)
- In Slovenia the plans that outline land use in municipalities are subject to Environment Impact Assessments. By doing so the government tries to avoid that plans and projects are conceived that can not be executed. Several of the projects that now are a source for conflict were already planned prior to Natura 2000 designation.
- The representative of the Ministry of Environment expects in the future several disputes regarding the development of hydro-power installations (mostly for energy) in various rivers

7. Conflict management: pros and cons

- Conflicts and disagreements which have occurred in Slovenia have so far been resolved by the staff of the Ministry of Environment, no independent mediator have been used
- The respondent of the Ministry of Environment and Spatial Planning indicated that it is crucial to better communicate and inform the various stakeholders on the consequences of Natura 2000.A lot of the conflicts are due to the fact that stakeholders are not informed – good communication and dialogue is essential to avoid conflicts. Also private forest owners and farmers underline the need for increased information as well as dialogue regarding management aspects of Natura 2000. Slovenia has made the decision to implement the Natura 2000 measures in the various existing planning systems – advantage of this strategy is that existing structures and organisations are used and no double efforts are undertaken. The disadvantage however is that many stakeholders are not aware what management measures are needed in Natura 2000 sites to ensure the Natura 2000 goals, that they feel they are not informed and that they also ascribe possible benefits not to Natura 2000

Conflict management: Possible solutions suggested

In general no or limited conflicts have occurred in Slovenia regarding the management of habitats and species. Most of the disagreements and conflicts noted on management are due to increased administrative burden of Natura 2000 or lack of communication.
Solutions suggested are:

– increase dialogue with and involvement of local stakeholders thus ensuring that the feel a sense of ownership for the required management. No solution has yet been found how to address the high number of private landowners especially given the limited budget for these types of activities.
– try to find ways to decrease the administrative burden for applying for permits and financial support

Most conflicts have occurred with plans and projects – many of these conflicts however are due to a lack of information on the side of local communities and planners, often other solutions can be found or plans can be executed when good compensatory measures are taken..
Also many of the plans which were the source of conflicts were conceived prior to Natura 2000 designation. The decision to undertake EIA of Municipal land use plans should reduce these conflicts in the future. Also the respondent of the Ministry of Environment stressed the need to improve co-operation between the departments responsible for nature conservation and water management plans as much of the planned projects on the development of hydro-power installations on the rivers might cause conflicts in the near future.

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Respondents

Mr. Peter Skoberne, Mr. Andrej Bibic, Ministry of the Environment and Spatial Planning
Mrs. Marta Hrustel Majcen, Ministry of Agriculture, Forestry and Food
Mr. Janko Rode, Kmetijsko Gozdarska Zbornica Slovenije, KGZS (Chamber of Agriculture and Forestry of Slovenia)
Mrs. Inka Stritar, Združenje Lastnikov Razlaščenega Premoženja (Slovenian Association of Forest Owners and Claimants to Hunting Rights)
Mr. Dragan Matijašič , Slovenia Forest Service
Mr. Borut Jerše, Slovenia Ribiska Zveza Slovenije (Slovenian Fishing Association)
Mr. Romanov Zveglič, Sindikat kmetov (Farmers Union)

Natura 2000 in the Czech Republic

1. Current situation of Natura 2000 in the Czech Republic

At present, the Natura 2000 network in the Czech Republic consist of 41 SPAs and a list of 863 Sites of Community Importance[24], that was ratified by the Decree No. 132/2005 and presented to the EC in February 2005. In 2007, minor amendment for Pannonian region took place, and in 2009 an extensive amendment for the Continental region. After it passed, the list of pSCIs is complete. After the 2009 amendment, there are 1,082 SCIs that will be either left in the regime of so-called "basal protection" (no other steps taken, only formal designation as SAC) or designated as national protected areas (PAs). If designation as PA takes place, a management plan proposal is part of the designation procedure. In 2009, the process to make management plans has started for the 863 sites. (Management plans for the amended list will follow later).

Responsibilities for (management of) Natura 2000 are shared among state level and regional government level.
Ministry of Environment for national nature reserves and national nature monuments;

- The Agency of Nature and Landscape Protection is (on behalf of the Ministry of Environment) responsible for Protected Landscape Areas and some other small-scale protected areas. The Agency has 37 regional branches: for each of Protected Landscape Areas and branches in all regions of the country (13 in total).
- 4 National Parks have independent authorities that directly report to the Ministry of Environment.
- The 14 regional authorities have responsibilities for small-scale PAs under their scope.

2. Natura 2000: conservation objectives and land use

Natura 2000 covers in total 13% of the country:

- 8.9 % of the Country is covered with SPA
- SCIs cover 9.1 % of the country (10% after the amendment)

The Czech Republic belongs to the Continental and Pannonian regions.

Natura 2000 and overlap with existing protection regimes

60% of the SCI area is already in overlap with national protected areas and 40% is not. In numbers: of the about 900 sites, 670 of them are not yet protected areas. Although in percentage, most of the area covers already protected sites, the majority of the sites does not[25]. The Czech Republic chose to select only the 'real' habitats, based on detailed habitat mapping. Within already protected areas, only smaller part could be selected as Natura 2000 sites.

Originally, it was an obligation by law to turn all the Natura 2000 sites into the Czech system of national protected areas. There are 6 categories of protected areas in the Czech Republic: National Parks (four areas; 1190 km2); protected landscape areas (25 areas; 10.345 km2); national nature reserves, nature reserves, national nature monuments and nature monuments (Oszlanyi 2004). An amendment of the law has passed in 2009 to introduce a new regime for 1/3 of the SCIs that don't require strict protection or special management: a regime of basic protection ('free landscape areas'). For these site no protected status will be required. This amendment came into force on December 1 2009.

Land use

The vast majority of Natura 2000 sites is forested. Mostly this is economic forests (even in Protected Landscape Areas). Some non-forested sites are used as hay meadows, pastures, etc., the same wetlands and rivers. Of the 670 sites that do not overlap with a protected status regime, the main land use is forest and agricultural land. The majority of these Natura 2000 areas cover forest land.

– Forest. Of the forest in the Czech Republic, 60% is state owned (by the military and state forestry enterprises); 17% municipalities and cooperatives and 23% private owners. Many sites are 100% state owned. Of the more than 200,000 private forest owners, 95% own less than 5 hectares. The Joint association of municipal and private forest (SVOL) represents 15% of the forest stands.

24 Out of 905 on the proposed list.
25 Large sites are already protected, many small are not.

- Agriculture. Agriculture covers around 4.264.000 hectares in the Czech Republic, +- 54% of the area of the country (Ministry of Agriculture 2009). The area of arable land continued to decline in recent decades. The area registered in the real estate cadastre as permanent grass land has increased. This means an increase of areas which are less favorable for farming on meadows and pastures (LFA areas). "One of the main goals of agrarian policy since 1989 used to be the restoration of ownership rights to farm land and other agrarian property through restitution, privatization and transformation. Long-term objectives were oriented mainly toward permanently maintainable agriculture in the world agrarian market" (Ministry of Foreign Affairs 2009).
- The Ministry of Defense is responsible for (management of) 5 military training areas which belong to the most valuable Natura 2000 sites in the Czech Republic.

3. Organization of management

No management plans will be made especially for Natura 2000 sites. Management plans will be made only for the 6 protected status regimes. The management measures in these plans will deal with Natura 2000 features.

- Management guidelines have been produced as a tool for those who draft management plans for Natura 2000 sites. There are 4 guidelines available: for forest habitat types, for non-forest habitat types, for animal specis and for plant species. In the sites, there is often more than a single target feature present and protected. The guidelines serve as basis for drafting management plans, putting all requirements together and stating priorities and their locations within the sites.

Since the amendment of the law passes in 2009 and 'basic protection' is realized, there are the following ways to protect and manage the Natura 2000 sites:

- by **status of protected sites**. For these sites, management plans are made.
- by **contract with landowners** (for example: buildings like churches with bats). This is applied only in about 20 sites out of 900, and only in sites with 1 landowner. Some concrete management rules are anchored in the contracts and the authority has to use these for management, or control if the landowner performs the management.
- **Basic protection / free landscape sites**. This means to protect sites only as SCI. Only such sites can be put under this type of protection which do not require any special management (e.g. are regularly managed by the owners for their purpose which automatically brings benefit also to Natura 2000 features) and which cannot be threatened by third persons (e.g. tourists, for example in some forested sites or some meadows). However, the amended Act says that for all Natura 2000 sites there must be so-called "sets of recommended measures", documents tailored for particular sites. They will predominantly be drafted for sites which do not enjoy protection as PAs.
- **SPA**: a specific type of protected areas only for protection and conservation of selected birds. Each of them is classified by separate Government Regulation. Each site has to have its "set of recommended measures" (like SCI's, mentioned above).

Several institutions formally prepare management plans:

- The Agency of Nature Conservation and Landscape protection is responsible for SCI's inside Protected Landscape Areas and nature reserves and nature monuments within PLAs
- 4 National Park Authorities (independent authorities)
- Regional authorities prepare management plans with the help of private consultancies or expert NGOs on the costs of structural funds. The process of management plans drafting started in 2008. In 6 regions out of 14 the projects are running. Regional authorities hire NGOs, such as the NGO Daphne, to assist or carry out the preparation of management plans.

Management plans are only binding for the nature protection authorities. In many cases, the nature conservation authorities will carry out the practical management: PLA authorities (of the Agency of nature conservation and landscape protection), National parks authorities and regional authorities. However, increasingly it is recognized that agreement of landowners is needed for management, because the state cannot buy all the land. Buying land is problematic because: 1. there are no resources to afford buying land and 2. the special conservation targets often do not ask for the state to own the land/ common forest. Exchange of properties privately owned for state-owned plots elsewhere is often required by the landholders but is not feasible due to lack of appropriate state land and reluctancy of other sectors in charge of them.

In case landowners are involved, there are some instruments for multiple land use.

- Subsidies/ management schemes. Most important is the landscape management scheme for protected sites (state budget under the responsibility of Ministry of Environment): that can be applied in Natura 2000 sites that overlap with protected sites.
- Compensation: compensatory provisions were incorporated in the law in 2004, but due to procedural difficulties cannot be applied properly. The state can pay landowners usually only through a court decision, which is a procedure that may take years. The budget is reserved, but cannot be paid easily.

4. Policy styles – participatory processes in Natura 2000 selection and management

Site selection process

In 2004 the list of 905 SCIs sites (after 4 years of expert preparatory works) was formally negotiated with landowners, users, municipalities and other important stakeholders. Time and capacity were limited due to the delay after accession (three months for 900 sites). Municipalities at which cadastre the sites were proposed, made an official announcement that a site was going to be proposed and all inhabitants could ask for explanations or object to the municipalities. Also hundreds of public hearings have been arranged. In reality, not all relevant people were informed by this official way of participation. After negotiations with other Ministries and district authorities, a final list included 863 sites.

The process of site selection continued in order to prepare amendment of the national list, as NGOs delivered a shadow list, based on the same data and same methodology as used for the official national list. In 2007, cooperation with authorities and citizens was started. The Agency prepared a technical proposal assessing the shadow list, and it was sent to 14 regional authorities (environmental departments) for comments, who had 3 months to react. (Unfortunately, different departments within regional governments, did not communicate among themselves. After one year, different regional departments, for example regional development departments complained they had not been involved).

In November 2007, municipalities officially announced the proposals at the official desk (with more promotion) and the main (big) landowners and stakeholders of a certain size were addressed. Also the most important sectors, - some of them traditional “enemies”-, the ministry of agriculture, ministry of defense, ministry of regional development (in charge of spatial planning) were addressed. This process lasted more than 1 year. All the complaints or amendments and letters are now publically accessible through the internet. In July 2009 a strategic meeting with the minister is held to discuss the political approach to the remaining conflicts to the amended list. Czech government approved the amended list at October 5 2009.

Conflicts that come forward from the selection phase:

- There was no active involvement of landowners and forest managers during 4 years of expert preparatory work to prepare the list of SCIs sites. In the beginning of Natura 2000, the government promised land owners that they would not be restricted as a result of Natura 2000. In later phase stakeholders and landowners were faced with restrictions.
- Communication. Private land owners and managers (both forest owners, ponds and wet areas) have experienced that nature conservation officials declare their land protected site without warning or communicating scientific justification and appeal possibilities.

Management planning

The official procedure for management plans for protected areas in the Czech republic is heavy[26]: the administrative office of a site has to present the proposal to landowners in and near the sites and to other governmental bodies with relation to nature conservation or landscape protection. All disagreements and changes to the proposals need to be solved. Officially, participation means that a proposal is published and 1 or more meetings for negotiating are organized.

As stated before, state (regional authorities) and the Agency of Nature Conservation have a responsibility to prepare management plans for Natura 2000 sites. Management plans are usually approved by the regional authorities when the area is proclaimed protected.

Regional authorities can prepare management plans with the help of private consultancies or expert NGOs. An NGO Coalition (Koalice NGO Pro Naturu 2000, in which for example participate the NGOs Ametyst, HUTUR and Daphne[27]) prepares management

26 Under the Act for nature conservation and landscape protection

27 The coalition was originally established in 2004, for the preparation of the Shadow list of SCIs. The NGO coalition consists of several expert/education NGOs.

plans for regional governments. For example: DAPHNE operates in about 3 regions out of 14). Of the 800 SCIs, now in process are about 200 management plans, of which 60% is in the hands of the NGO coalition. A respondent of the NGO states that they want to talk with stakeholders in the process of management planning, but the problems are: 1. no budget for this activity is available and 2. no methodology for how to communicate with them. In a specially funded project, NGO Coalition will experiment with communication with stakeholders. In about 50 "basic management plans", they will talk with managers and state institutions.

Implementation of management plans will be carried out also to a large extent by nature conservation authorities themselves. However, in case of privately owned land, management plans cannot be forced on landowners (they are only binding the authorities), and voluntarily involvement and agreement is necessary. Respondents state that proposing landowners sufficient budgets is very important in the negotiation process.

5. Changes that Natura 2000 brought

Natura 2000 as such did not bring many changes. Natura 2000 is partly implemented through the 6 existing Czech protected area regimes (and newly though the regime of "basic protection"). Natura 2000 did bring more protected sites.

6. Discussions, issues/objections and conflicts

For describing the discussion and conflict related to the implementation of Natura 2000 management a division has been made in two main categories being:

- difference of opinion/ disagreements or conflicts related to management of Natura 2000 habitats and species
- difference of opinion/ disagreements or conflicts related to the development of plans and project that might have a significant negative effect on Natura 2000 sites

Difference of opinion/ disagreements or conflicts related to management of Natura 2000 habitats and species (article 6.1)

Forestry

- Forestry in the Czech Republic is an important sector. All the forestry and furniture industry produces less than 2 % of GDP. More than economically important it is important socially and culturally as part of historical traditions in the country. The production/ economic interest of this sector - including state owned land (the state forestry enterprise), privately owned land and municipal forest - may often (but not always) not be compatible with nature conservation goals. This concerns for example tree species composition, rotation age and methods of forest production.
- Lack of compensation for loss of economic income has been the cause of a conflict in forestry; not because the money is not available, but because it cannot be applied properly due to legal procedure flaws. The money is difficult to access. (However, this rather applies to protected areas than to Natura 2000 sites).
- Forest-envi-schemes can be used in Natura 2000 sites, for example to maintain in Natura 2000 forest different ages of forest. Forest owners may object to the limitation in the use of subsidies and to extra administrative tasks that come with the schemes.

Hunters

- Restrictions have been put on hunters in the past, which is the reason they resist to nature conservation in general. These (legal) restrictions are related to protected area regimes or species. For example in a National Park hunting is restricted to certain areas or in nature reserves or zones of landscape protection areas different species are not allowed to be hunted. In some cases (on the Natura 2000 sites as well) authorities of nature conservation require reduction of current game population and liquidation of invasive alien species. Natura 2000 does not cause special restrictions. The hunters have a strong political lobby (linked to the Ministry of Agriculture). They are not on speaking terms.

Agriculture

- There is a historically grown conflict between the Ministries of Agriculture and the Environment, based on the idea that environmental protection and agriculture are not compatible.
- The private farmers association - family farms (who did not object officially): state three fears: 1. they fear restriction such as: time of cutting of grass, limitation of fertilization; 2. they fear bureaucracy (control, filling in forms etc.) and 3. they fear

not enough compensation for loss of income. They in general feel it is better not to be in a protected area.

Fish ponds

– Fish ponds are an intensive form of agriculture. This sector fears restrictions, as they should turn to more extensive practices. It is a strong lobby. Communication between the state and the sector is difficult, because the word “extensive” has a different meaning to the parties. What the sector calls ‘extensive’, is still an intensive practice for the Ministry of environment. What the Ministry calls ‘extensive’ is not an option to the sector. Strong disagreement still exists in 10 to 15 sites and the negotiating process about the selection of these sites (on the amended list) is still going on.

Difference of opinion/ disagreements or conflicts related to the development of plans and projects (article 6.3)

Some conflicts have been described that are related to the selection of sites under the Bird Directive. The selection of sites conflicted with plans for the construction of roads. One of these cases involved the selection and boundaries of the SPA Komarov in East Bohemia, that conflicted with a speedway that was planned for many years in this area. The Ministry of Transportation pushed to change the boundary of the SPA.. Infringement is ongoing.
Another example concerns the site Bzenecka doubrava (oak woodland) in Moravia, which conflicted with a planned speedway as well. (see box 1).

Box 1 Expressway and SPA site selection Bzenecka doubrava

The expressway between the towns of Olomouc and Břeclav in Moravia would cut through the Natura 2000 area Bzenecká Doubrava-Strážnické Pomoraví, (oak woodland). The site was selected for the protected of bird species, especially the nightjar and the woodlark (CEE 2008). It concerns 60 pares of nightjar, the biggest population in the Czech Republic. It is a sandy area, pine forest, the typical lowland area. The planned highway is needed to connect towns. Decision-making lasted for 20 years, which was complicated due to the involvement of 22 municipalities. At the point where the plan was ready for implementation, the accession of the Czech Republic in the EU occurred. The proposal of the site as SPA came when the road was just ready to be implemented. The former minister of Transportation discussed the issue with the majors of the 22 municipalities, proposing that the construction of the road may had to be cancelled. This led to conflict. The Minister then came to the point of view that all efforts have to be made to enable the construction. 1,5 years of negotiations with 3 different management departments in the Ministry of Transportation followed. Alternatives to the design of the road have been studied. Reason of overriding public interest can only be applied if there are no other alternatives. And technically there are alternatives. One possibility is to make a bypass. It is technically feasible, but it means it would cross the boundaries of other cadastres and it would mean again negotiating with new municipalities. Now there is a good constellation. Now the minister is willing to agree on an underground variant (tunnel), which is technically very difficult and extremely expensive.
In 2009 negotiation of the technical details with the directorate for highways are taking place. A commission of specialists and architects have the task to find a common solution, a tunnel, maybe 3 tunnels, one of which has to be several kilometers long. The Minister of Transportation understands the importance of this case. For Natura 2000 in the Czech Republic it is a site of high symbolic value.

7. Conflict management

Most of the conflicts concerning management of Natura 2000 with the different land use sectors (forestry, agriculture, hunting) are related to (expected) restrictions to land use, the new practices not being compatible with economic survival and limited (access to) compensation to economic loss. Besides management, several conflicts relate to site selection (for example conflicts with the fish ponds sector). Several conflicts are mentioned between Ministries at state level, for example with the Ministry of Transportation and Agriculture. Some of these conflicts deal with realization of projects related to site selection rather than management issues.

Conflicts can be categorized as:

- Differences of opinion and disagreements
- Conflicts: sectors, or individuals are no longer on speaking terms; Conflicts in which the court rules (plans and projects) and conflicts that end up in the political arena.

Communication in the selection phase leads to disagreements and conflicts later on, as it was communicated that no restrictions were to be expected from Natura 2000. Since Natura 2000 is incorporated in the Czech system of protected areas and this regime in the Czech republic does lead to restrictions in land use, this leads to more conflicts than might be necessary on the basis of Natura 2000 goals. An effort is done to simplify the procedures for Natura 2000 management (basic protected regimes and protection by contract), which is expected to avoid conflicts. Contractual protection is limited, however, due to the condition of 1 landowner. The Association of private and municipal forest owners tries to persuade the Ministry of Environment to cancel this condition.

It is increasingly recognized that agreement and involvement of landowners is needed for management of protected areas, because not all land can be bought and management cannot be forced on the landowners. This calls for more participation and negotiation tools, which also might serve as conflict management strategies. Gradually, the perspective that landowners and the agricultural sector are obstacles to the implementation of environmental protection, is changing. For example, SVOL participated in the elaboration of the guidelines Management of Natura 000 habitats, which is experienced as a participative approach.

Officials and nature conservation parties are in need of different tools for conflict management. Relevant stakeholders may have a different idea about what is needed to solve conflicts.

- Having economic incentives to offer during negotiations
- Communication skills; training of nature conservation officials in negotiation and communication.
- Having land to offer in exchange. As stated earlier, exchange of properties privately owned for state-owned plots elsewhere is often not feasible due to lack of appropriate state land and reluctance of other sectors in charge of them.
- (Extra) staff to be able to approach the individual landowners.
- When conflicts cannot be solved, more restrictive, the government may feel they need top down instruments (especially in cases where management plans are not binding).
- Forest owners state that being approached, involved and to reach compensations is the main importance for conflict management.

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Respondents

1. Petr Roth, Ministry of Environment
2. Michael Hosek, Agency of Nature Conservation
3. M. Pospisil, Association of private farmers
4. J. Kostecka, Hunters organization
5. Constantin Kinsky, Association of private and municipal forest owners (SVOL)
6. Jan Dusek, NGO Daphne CZ – Institute of Applied Ecology

Natura 2000 in France

1. Current situation of Natura 2000 in France

At present, the Natura 2000 network in France consists of 371 SPAs and 1360 SCIs, including many overlaps. The total number of Natura 2000 sites in France is 1706 sites in four biogeographical regions .The site selection process is nearly finished as only a very few sites are discussed.and the Commission adopted the list of SCIs for the Continental biogeographical region. Designation of the sites under the Environmental code, as SPAs and SACs, is in progress (2009). It is planned to be finished before 2014 (Van Apeldoorn et al., 2009).

At national level, the French Ministry of Energy, Ecology, Sustainable Development and Spatial Planning (MEEDDAT) is responsible for the implementation and coordination of Natura 2000. At lower governmental level a large responsibility for the implementation of Natura 2000 and the preparation of management plans lies with the prefects of the departments (also for marine sites), who are supported by State related technical services.
For each site a steering committee (Comité de Pilotage) is installed by the prefect. This committee has the responsibility to prepare a site management plan (Document d'Objectives), to formulate the site objectives and to implement the necessary management measures. All stakeholders involved in a site and its management can be a member of a COPIL. So in France both the preparation of management plans and their implementation has been organized as a concerted action at site level.
Each plan has to be approved by the prefect.

Management plans have already been written for more than 740 (July 2008) sites and more than 470 are in preparation (together 73% of all sites). It is planned to have management plans ready for all sites (including marine sites) between 2010 and 2013 (Van Apeldoorn et al., 2009).
The whole process of the preparation of management plans has been guided by guidelines on management measures for species and habitat types, on the content of management plans and by an intensive process of communication, education and capacity building under the lead of a facilitating organization which is paid by the government (Atelier Technique des Espaces Naturels, ATEN in Montpellier).

2. Natura 2000: conservation objectives and land use

In France, more than 1700 sites have been listed as Natura 2000 sites (about 6.800.000 ha, 12,4 % of France area). Habitats represent the Alpine, Atlantic, Continental and Mediterranean regions.
In table 1 the percentage of habitat types and species with favourable, unfavourable inadequate and unfavourable bad conservation status is presented.

Grasslands, peatlands, heath and scrubs and dunes have the highest percentage of bad conservation status and agriculture and forestry represent the most frequent pressures and threats (%) for species and habitat types.

Table 1. Conservation Status

Conservation status	*Habitats (%)*	*Species (%)*
Favourable	18	21
Unfavourable/ inadequate	35	21
Unfavourable/ bad	40	33

Land use and ownership
No data is available on the ownership of the Natura 2000 sites. Based on the Corine Land Cover System table 2 shows the land use of the sites.

Table 2 land use in the French Natura 2000 network (excluding marine areas)

Agricultural land	41%
Forests	39%
Open areas and heath	13%
Wetlands and (sweet) water areas	6%
Build-up land/artificial	1%

(source IFEN)

The build-up area percentage is low, however, 8372 Communes are included totally or partly within Natura 2000 sites representing 14 million residents which live in or which are affected by the Natura 2000 network.

3. Organization of management

Natura 2000 sites belong to one of the seventeen categories of areas which have some protection of nature and/or regulation of land (water) use. Their management is under the responsibility of a local management committee the Comités de Pilotage (Copil). Such a committee is established under the responsibility of the prefect (departmental government) and includes local stakeholders involved in some way in the site and its management. One of the stakeholders (or stakeholder groups) takes the formal responsibility (based on a contract with the prefect) to prepare and often to write the management plan (called l' operateur). It is also the prefect who approves the management plan. The prefect and Copil are supported by governmental experts and organizations or can establish working groups to describe and analyze specific site related problems and topics. After approval of the DOCOB it is another and often local person (called l' animateur) which really makes the plan operational by involving landowners and users.

Table 3 shows the different groups of stakeholders which have the responsibility to write management plans. It shows the important role of the local authorities in preparing the management plans and it is expected that they will have a stronger participation in the management (planning) in near future.

Table 3 Stakeholder groups having the responsibility for writing management plans (%)

Local authorities	43%
State	6%
NGOs	23%
Public bodies	22%
Private consultancies	6%

The necessary management measures carried out by corporate, public or private bodies and private people are based on a (voluntary) contract with the government.

Instruments for multiple land use
For Natura 2000 sites multiple land use is organized by NATURA 2000 management plans.
These management plans (Documents des Objectives, DOCOB) are obligatory for all Natura 2000 sites. The content of DOCOBs is specified in a governmental circular (2007) as are the conditions to get compensation payments based on contracts.
Two important types of (not site specific) contract exist:

1- Natura 2000 contracts related to non profit making activities and
2- Agricultural or aquacultural Natura 2000 contracts related to profit making activities (also called agri/aquaculture-environmental contracts)

For both contracts lists of management measures exist for which one can receive compensation money. Both contracts are based on national funds and co-funded by EU funds (EAFRD). The Natura 2000 contracts are signed for 5 years and are under the responsibility of MEEDAT, the agri- environmental contracts (also 5 years) are under the Ministry of Agriculture & Fisheries.

At the end of 2007 20% of the contracts is Natura 2000 (more than 800 contracts) and 80% is agri-environmental contracts (> 4000).

A third category of contracts is the Natura 2000 Charter. This voluntary contract is signed for 5 years by holders of personal and rights in rem (owners) which can get a specific tax exemption (for unconstructed property). The kind of measures are strongly related to the protection of species on the site and rehabilitation of site specific habitat types (e.g. construction of a pond for amphibians). These site specific measures are mentioned in every DOCOB.

Other management measures are statutory, legislative and administrative protection measures are taken such as a decree of the prefect or a municipality protecting a specific biotope or the regulating the access to a sensitive (part) of a site.

Besides management measures other measures regarding communication, awareness raising and monitoring are described in a DOCOB.

Natura 2000 management plans

Because management plans have to describe different topics (ecological goals, necessary management measures, contract specifications, monitoring and awareness raising activities) a number of guidelines exist supporting the preparation and writing of DOCOBs.

The content of a DOCOB describes (Michelot & Chiffaut, 2005):

- Conservation status and locations of protected species and habitats, statutory protection measures, human activities practiced at the site (e.g. forestry, farming).
- Sustainable development objectives to conserve or restore species and habitats as well as the preservation of economic, social and cultural activities that are practiced at the site
- Measures to achieve the goals
- Guidelines to be applied to Natura 2000 contracts
- Mechanisms (e.g. financial) to support achieving the goals
- Follow-up and assessment procedures for the measures and conservation status of species and habitats

In general DOCOBs have to be assessed every six years.

4. Policy styles

Site selection process

Site selection started under the responsibility of the former Ministry of Ecology and Sustainable Development (MEDD). Besides the Ministry of Agriculture, Food, Fishery and Countryside is important for funding some management contracts. Both ministries have at the regional level their own administrative offices.

MEDD was supported at the regional level by a scientific council on Natural heritage indicating the sites and advising on the species and habitats to protect and the boundaries of a site. Scientists and societies of nature conservationists were strongly involved in this advisory body what was not the case for site users such as foresters, hunters farmers etc. However, conferences were organized by the regional commissioners for state departments and local authorities. And already in 1995 it was ordered by decree that town mayors should be consulted.

Nevertheless, a strong opposition against the procedure was started by the organisations of the most important site users such as the private forest owners and hunters united in the so called ‘group of nine’ (lit ref Alphandery). And it was in 1997 that a new start for the implementation was started strengthening the role of the local communities (see 5). For this reason the phase of site selection can be characterized as a top- down approach of implementing both European directives.

Management planning

As stated before (see organization of management) in France one has chosen for a concerted action nowadays to prepare and write a DOCOB under responsibility of a steering committee (COPIL) installed by the government (prefect). Important members of the concerted action at site level are also the ‘l’ operateur’ and the ‘ l’animateur’ preparing, writing and implementing the management plan having bilateral relations with important stakeholders(groups) and land owners. Besides the communes are represented in the

COPIL and their inhabitants have to be consulted. Another important instrument are the (technical) working groups under the COPIL studying and analyzing all kind of questions related to the ecology of species and habitats, management measures and e.g. contract monitoring.

The whole approach of management planning can be characterized as a participatory way of working.

5. Changes that NATURA 2000 brought

A big change caused by Natura 2000 occurred during the phase of selection of the sites. In this phase particularly private forest owners, hunters, fishermen and later on also farmers protested loudly against the way sites were selected. They reasserted not to be opposed to the European directives but objected to the methods used and the extent of the selected areas. Their opinion as a coalition called ' the group of nine' was reflected in the " Le Grand report" (1997) that condemned the difficulties of implementation and was politically adopted by the then prime minister who decided to suspend the implementation procedure (Alphandery and Fortier 2001). As a result a new strategy was launched with four basic elements:

- nature is important for everyone
- evaluate nature social, ecological and economical
- integrate Natura 2000 in other policies
- build a good system of information and education on the ecology of species and habitats

This strategy coincides with a process of decentralization of the French Government as is illustrated by a law (Développement des Territoires Ruraux, 2005) regulating the development of the countryside, stimulating the lowest level of government (communes and municipalities) to cooperate and associate into formal 'collectivités'.

As a consequence of this whole strategy it was decided to involve local stakeholders in the management of the sites using the COPIL as a medium for stakeholder participation. This (structural) change from a top-down process during the selection of the sites into a bottom- up process during the writing of management plans is experienced by all stakeholders in a positive way. It caused also the disappearance of the collation between the big groups of site owners and users (group of nine).

It is also seen as an important condition to bring stakeholders together, to exchange problems, to build trust, to start cooperation and to find solutions at site level (social change resulting in innovative forms of cooperation and more integrated management plans). However, this participatory process is experienced by all stakeholders as time and energy consuming and not all obstacles between stakeholders have been demolished.

For local and national nature conservation groups (federations, liques etc.) and their voluntary members but also for local inhabitants, Natura 2000 showed to be an opportunity to express their expert knowledge by the selection of sites, the formulation of ecological goals and advising the government and site management. In this way they became a more able bodied partner in the process of implementation of the Natura 2000 network (see also Kruk et al., 2009).

A second (structural) change is the new legislation on projects and plans and their possible impacts on the Natura 2000 sites (compare articles 6.3 and 6.4 of the Habitats Directive).

6. Discussion, issues/objections and conflicts

Regarding site management still some important conflicts exist or are emerging. Because of the contract based management of sites and the voluntarily contracts that are accompanied by compensation money, a conflict between the site goals and the means that are there is experienced by all stakeholders. This is illustrated by farmers which hesitate to sign management contracts because farming to produce biofuels is more profitable.

Besides some farming practices are debated for their ecological effectiveness (see also Van Apeldoorn et al., 2009).
Although this report analyses the conflicts related to the site protection of the European Directives, different respondents mention conflicts related to species protection.

Dealing with the conflicts regarding the processes of selection of sites, site designation and management planning new conflicts emerged regarding projects and plans possibly affecting the sites in a negative way. The type of conflict depends on the region and its main economic sectors and the site specific goals and management. For all regions communes experience conflicts regarding

their spatial plans and infrastructure. However, to regulate the possible negative effects on a site show a change from involvement based on voluntary contracts into legislative obligations.

7. Conflict management: pros and cons

All stakeholders stress the importance of information and consultation by the government about the Natura 2000 network and its management. This is illustrated by the big conflict at the national level between government and the group of nine. The intended area of France to be designated and included in the Natura 2000 network (13%) before the big clash was disputed heavily and it was not sure that this aim could be reached. However, it is very close to the result of about 12% of the French area that is included now after starting the discussions with the groups of site users and site owners.

Many stakeholders appreciate the role of an independent organization like ATEN guiding and facilitating the process of writing the DOCOBs by education, communication and capacity building.
Besides the 'operateurs et animateurs' play an important role at site level as mediators between government and a COPIL and all site related stakeholders.

Starting management (and other kinds of) experiments at site level is experienced as an opportunity to prevent conflicts.

All stakeholders stress the importance of a closer cooperation between ministries at the national and other governmental levels. Besides regarding plans and projects they mention that a way to prevent conflicts is to start discussions between different economic sectors and government as occurs sporadically in some regions. Both instruments also play an important role in the prevention of conflicts in other countries such as UK (Van Apeldoorn et al., 2009).

Possible solutions; spatial planning and the instrument of the grenelle

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Respondents

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